

SUBCOMMITTEE: MOTOR VEHICLES

HOUSE BILL NO. 1414

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on/for _____)

on _____)

(Patrons Prior to Substitute--Delegate Filler-Corn and Krizek [HB 16])

A BILL to amend and reenact §§ 2.2-1509.2, 2.2-1514, as it is currently effective and as it may become effective, 5.1-2.2:2, 5.1-2.2:3, 5.1-2.16, 15.2-5928, 18.2-323.1, 33.2-214, 33.2-214.4, 33.2-226, 33.2-232, 33.2-358, 33.2-365, 33.2-1502, 33.2-1524, 33.2-1526, 33.2-1526.1, 33.2-1527, 33.2-1528, 33.2-1529.1, 33.2-1530, 33.2-1532, 33.2-1604, 33.2-1700, 33.2-1701, 33.2-1708, 33.2-1709, 33.2-1803, 33.2-1803.1, 33.2-1803.1:1, 33.2-1803.2, 33.2-1809, 33.2-2300, 33.2-2301, 33.2-2400, 33.2-2509, 33.2-3601, 46.2-208, 46.2-686, 46.2-694, as it is currently effective, 46.2-697, as it is currently effective, 46.2-752, 46.2-882, 46.2-1078.1, 46.2-1094, 46.2-1158, 46.2-1300, 46.2-1507, 46.2-1546, 46.2-1573, 58.1-608.3, 58.1-638, 58.1-638.3, as it is currently effective, 58.1-802.3, 58.1-811, as it is currently effective, 58.1-815.4, as it is currently effective, 58.1-816, 58.1-1741, 58.1-1743, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2295, as it is currently effective, 58.1-2299.20, as it is currently effective and as it may become effective, 58.1-2425, as it is currently effective and as it may become effective, 58.1-2531, and 58.1-2701, as it is currently effective, of the Code of Virginia and § 2 of Chapter 8 of the Acts of Assembly of 1989, Special Session II, as amended by the second enactment of Chapter 538 of the Acts of Assembly of 1999 and by the first enactment of Chapter 296 of the Acts of Assembly of 2013; to amend the Code of Virginia by adding in Chapter 2 of Title 33.2 an article numbered 6, consisting of sections numbered 33.2-287 through 33.2-299.8, by adding a section numbered 33.2-358.1, by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-372, 33.2-373, and 33.2-374, by adding sections numbered 33.2-1524.1, 33.2-1524.2, 33.2-1526.1:1, 33.2-1526.1:2, 33.2-1526.1:3, and 33.2-1526.2 through 33.2-1526.5, by adding in Article 2 of Chapter 2 of Title 46.2 a section numbered 46.2-224.1, by adding in Title 46.2 a chapter numbered 7, consisting of sections

numbered 46.2-770 through 46.2-774, and by adding sections numbered 46.2-882.1 and 58.1-802.4; and to repeal §§ 33.2-1601, 33.2-1603, 46.2-702.1 and 46.2-702.1:1, 58.1-2217.1, and 58.1-2295.1 of the Code of Virginia and the fifth enactments of Chapters 837 and 846 of the Acts of Assembly of 2019, relating to transportation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1509.2, 2.2-1514, as it is currently effective and as it may become effective, 5.1-2.2:2, 5.1-2.2:3, 5.1-2.16, 15.2-5928, 18.2-323.1, 33.2-214, 33.2-214.4, 33.2-226, 33.2-232, 33.2-358, 33.2-365, 33.2-1502, 33.2-1524, 33.2-1526, 33.2-1526.1, 33.2-1527, 33.2-1528, 33.2-1529.1, 33.2-1530, 33.2-1532, 33.2-1604, 33.2-1700, 33.2-1701, 33.2-1708, 33.2-1709, 33.2-1803, 33.2-1803.1, 33.2-1803.1:1, 33.2-1803.2, 33.2-1809, 33.2-2300, 33.2-2301, 33.2-2400, 33.2-2509, 33.2-3601, 46.2-208, 46.2-686, 46.2-694, as it is currently effective, 46.2-697, as it is currently effective, 46.2-752, 46.2-882, 46.2-1078.1, 46.2-1094, 46.2-1158, 46.2-1300, 46.2-1507, 46.2-1546, 46.2-1573, 58.1-608.3, 58.1-638, as it is currently effective, 58.1-638.3, 58.1-802.3, 58.1-811, as it is currently effective, 58.1-815.4, as it is currently effective, 58.1-816, 58.1-1741, 58.1-1743, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2295, as it is currently effective, 58.1-2299.20, as it is currently effective and as it may become effective, 58.1-2425, as it is currently effective and as it may become effective, 58.1-2531, and 58.1-2701, as it is currently effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 33.2 an article numbered 6, consisting of sections numbered 33.2-287 through 33.2-299.8, by adding a section numbered 33.2-358.1, by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-372, 33.2-373, and 33.2-374, by adding sections numbered 33.2-1524.1, 33.2-1524.2, 33.2-1526.1:1, 33.2-1526.1:2, 33.2-1526.1:3, and 33.2-1526.2 through 33.2-1526.5, by adding in Article 2 of Chapter 2 of Title 46.2 a section numbered 46.2-224.1, by adding in Title 46.2 a chapter numbered 7, consisting of sections numbered 46.2-770 through 46.2-774, and by adding sections numbered 46.2-882.1 and 58.1-802.4 as follows:

§ 2.2-1509.2. Budget Bill to include amounts diverted from Commonwealth Transportation Fund.

If any money in the ~~Highway Maintenance and Operating Fund~~ established pursuant to ~~§ 33.2-1530 or the~~ Commonwealth Transportation ~~Trust~~ Fund established pursuant to § 33.2-1524 is proposed to be used for any purpose other than administering, planning, constructing, improving, and maintaining the roads embraced in the systems of highways for the Commonwealth and its localities and/or furthering the interests of the Commonwealth in the areas of public transportation, railways, seaports, and/or airports, then the Governor, if such diversion is proposed by the Governor, shall include with any such proposal a plan for repayment of funds diverted within three years of such use in "The Budget Bill" submitted pursuant to § 2.2-1509.

If such diversion of funds from the ~~Highway Maintenance and Operating Fund or the~~ Commonwealth Transportation ~~Trust~~ Fund is proposed by the General Assembly as an amendment to the Budget Bill, such amendment shall include language setting out the plan for repayment of such funds within three years.

§ 2.2-1514. (Contingent expiration date) Commitment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall commit within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be committed by the Comptroller for deposit into the Commonwealth Transportation ~~Trust~~ Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be committed for nonrecurring expenditures. No such commitment shall be made unless the full amounts required for other restrictions,

commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv)(a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, and (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2 are set aside. The Comptroller shall set aside amounts required for clauses (iv)(b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the Commonwealth Transportation Trust Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amounts committed by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the Commonwealth Transportation Trust Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 2.2-1514. (Contingent effective date) Commitment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the

acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

B. At the end of each fiscal year, the Comptroller shall commit within his annual report pursuant to § 2.2-813 as follows: 67 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be committed by the Comptroller for deposit into the Commonwealth Transportation-Trust Fund established pursuant to § 33.2-1524 or a subfund thereof, and the remaining amount shall be committed for nonrecurring expenditures. No such commitment shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv)(a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 23.1-1002, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 23.1-1002, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 23.1-1002, and (viii) the Revenue Reserve Fund deposit pursuant to § 2.2-1831.2 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 23.1-1002 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for deposit into the Commonwealth Transportation-Trust Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amount committed by the Comptroller for such purpose pursuant to the provisions of subsection B. Such deposit to the Commonwealth Transportation-Trust Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 5.1-2.2:2. Commercial air service plan.

A. The Board shall develop and review every five years a commercial air service plan for commercial air service airports within the Commonwealth. In developing and reviewing such plan, the Board shall (i) analyze trends in commercial air service generally, (ii) analyze the current and projected future demographic and economic trends related to air travel needs in the Commonwealth, (iii) solicit input from other appropriate stakeholders, (iv) consider any other factors determined to be appropriate by the Board, and (v) establish reasonable goals for commercial air service based on clauses (i) through (iv).

B. In developing the plan pursuant to subsection A, the Board shall coordinate with each commercial air service airport.

C. Prior to the allocation of funds pursuant to ~~subdivision A 3 of § 58.1-638~~ § 33.2-1526.4, the Board shall ensure that any requested funds are not inconsistent with the Board's commercial air service plan and that no commercial service airport is penalized for not meeting goals set forth in such commercial air service plan.

§ 5.1-2.2:3. Transparency and accountability in the use of Commonwealth Aviation Fund revenues.

A. By November 1 of each year, the Board shall report to the Governor and the General Assembly on the use of Commonwealth ~~Airport~~ Aviation Fund revenues the previous fiscal year. The report shall include at a minimum the following:

1. The use of entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638~~ B 1 of § 33.2-1526.4 by each air carrier airport, including the amount of funds that are unobligated;
2. The award and use of discretionary funds allocated for air carrier and reliever airports pursuant to ~~subdivision A 3 b (1) (a) of § 58.1-638~~ B 2 a (1) of § 33.2-1526.4 by every such airport;
3. The award and use of discretionary funds allocated for general aviation airports pursuant to ~~subdivision A 3 b (1) (b) of § 58.1-638~~ B 2 a (2) of § 33.2-1526.4 by every such airport; and
4. The award and use of discretionary funds allocated for all airports pursuant to ~~subdivision A 3 b (2) of § 58.1-638~~ B 2 b of § 33.2-1526.4 by every such airport.

Such report shall also include the status of ongoing projects funded in whole or in part by the Commonwealth ~~Airport~~ Aviation Fund pursuant to subdivision ~~A 3 of § 58.1-638~~ § 33.2-1526.4.

B. Each year prior to the release of entitlement funds allocated pursuant to ~~subdivision A 3 a of § 58.1-638~~ B 1 of § 33.2-1526.4, each air carrier airport shall submit a plan that outlines the planned use of such funds for the upcoming fiscal year to the Board for review and approval. The Board shall approve such plan provided that the use of funds is in accordance with Board policies. An airport may modify its plan during a fiscal year by submitting a revised plan to the Board for review.

C. The Board shall have the right to withhold entitlement funds allocated pursuant to subdivision ~~A 3 a of § 58.1-638~~ B 1 of § 33.2-1526.4 in the event that the entitlement utilization plan is not approved by the Board or the airport uses the funds in a manner that is inconsistent with the approved plan.

§ 5.1-2.16. Grants or loans of public or private funds.

The Board is authorized to accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under this section shall be accepted and expended by the Board upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be accepted and expended by the Board upon such terms and conditions as are prescribed by the Commonwealth. State moneys allocated pursuant to ~~subdivision A 3 of § 58.1-638~~ § 33.2-1526.4 shall not be used for (i) operating costs unless otherwise approved by the Board or (ii) purposes related to supporting the operation of an airline, either directly or indirectly, through grants, credit enhancements, or other related means.

In considering or evaluating the application for or award of any grant of moneys under this section, the Board shall take into account the capacities of all airports within the affected geographic region.

§ 15.2-5928. Definitions.

As used in this chapter, unless the context requires a different meaning:

"City" or "City of Virginia Beach" means the City of Virginia Beach or the City of Virginia Beach Development Authority.

"Sales and use tax revenues" means tax collections under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.), as limited herein, generated by transactions taking place upon the premises of a sports or entertainment project, including transactions generating revenues in connection with the development and construction of such project that would not be generated but for the existence of such project. For purposes of this chapter, "sales and use tax revenues" does not include the revenue generated by (i) the one-half percent sales and use tax increase enacted by Chapters 11, 12, and 15 of the Acts of Assembly of 1986, Special Session I, which shall be paid into the Commonwealth Transportation Trust Fund as defined in § 33.2-1524; (ii) the one percent of the state sales and use tax revenue distributed among the counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school-age population; and (iii) the additional state sales and use tax in certain counties and cities assessed pursuant to Chapter 766 of the Acts of Assembly of 2013 and any amendments thereto.

"Sports and entertainment district" means the geographic area in the City of Virginia Beach located south of 21st Street, north of Norfolk Avenue, east of Birdneck Road, and west of Atlantic Avenue.

"Sports or entertainment project" means a project including sports facilities, entertainment facilities, or both, representing at least \$100 million of investment in the sports and entertainment district of the City of Virginia Beach, including any office, restaurant, concessions, retail, residential, and lodging facilities that are owned and operated adjacent to or in connection with such sports or entertainment project; film and sound studios and any other sports or entertainment-related infrastructure; and any other directly related properties, including onsite and offsite parking lots, garages, and other properties. "Sports or entertainment project" includes multiple facilities located on multiple properties, provided that such facilities share a nexus of ownership or management.

§ 18.2-323.1. Drinking while operating a motor vehicle; possession of open container in a motor vehicle and presumption; penalty.

A. ~~It shall be~~ is unlawful for any person to consume ~~an~~ or knowingly or intentionally possess any alcoholic beverage ~~while driving other than in the manufacturer's unopened original container in~~ a motor vehicle that is upon a public highway of this the Commonwealth, including the shoulder thereof, as defined

in § 46.2-100. If the seal on a container of an alcoholic beverage is broken or some of the contents have been removed, a container shall presumed to be open.

B. A rebuttable presumption that the driver has consumed an alcoholic beverage in violation of this section shall be created if (i) an open container is located within the passenger area of the motor vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed and (iii) the appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver of the motor vehicle may be reasonably associated with the consumption of an alcoholic beverage.

C. The provisions of this section shall not apply:

1. If an open container containing an alcoholic beverage is in a locked glove compartment or in the trunk of the motor vehicle, or is behind the last upright seat or in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk; or

2. If an open container containing an alcoholic beverage is in the passenger area of a motor vehicle designed, maintained, and used primarily for the transportation of persons for compensation regulated and being operated as a motor carrier pursuant to Chapter 20 (§ 46.2-2000 et seq.) or is in the living quarters of a motor home, provided that the container is not in the possession of the driver of the motor vehicle.

D. For the purposes of this section:

"Open container" means any vessel containing an alcoholic beverage, except the originally sealed manufacturer's container.

"Passenger area" means the area designed to seat the driver of any motor vehicle, any area within the reach of the driver, including an unlocked glove compartment, and the area designed to seat passengers. This term shall not include the trunk of any passenger vehicle, the area behind the last upright seat of a passenger van, station wagon, hatchback, sport utility vehicle or any similar vehicle, the living quarters of a motor home, or the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation, including a bus, taxi, or limousine, while engaged in the transportation of such persons.

"Public highway" shall not include any motor vehicle parking lot.

~~C.~~E. A violation of this section is punishable as a Class 4 misdemeanor.

§ 33.2-214. Transportation; Six-Year Improvement Program.

A. The Board shall have the power and duty to monitor and, where necessary, approve actions taken by the Department of Rail and Public Transportation pursuant to Article 5 (§ 33.2-281 et seq.) in order to ensure the efficient and economical development of public transportation, the enhancement of rail transportation, and the coordination of such rail and public transportation plans with highway programs.

B. The Board shall have the power and duty to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and set aside funds as provided in ~~§ 33.2-1524~~ § 33.2-1524.1. To allocate funds for these needs pursuant to ~~§§ § 33.2-358 and 58.1-638~~ Chapter 15 (§ 33.2-1500 et seq.), the Board shall adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official Commonwealth Transportation ~~Trust~~ Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

C. The Board shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes.

D. The Board shall have the power and duty to promote increasing private investment in the Commonwealth's transportation infrastructure, including acquisition of causeways, bridges, tunnels, highways, and other transportation facilities.

E. The Board shall only include a project or program wholly or partially funded with funds from the State of Good Repair Program pursuant to § 33.2-369, the High Priority Projects Program pursuant to § 33.2-370, ~~or~~ the Highway Construction District Grant Programs pursuant to § 33.2-371, or the Interstate Operations and Enhancement Program pursuant to § 33.2-373 in the Six-Year Improvement Program if the allocation of funds from those programs and other funding committed to such project or program within the six-year horizon of the Six-Year Improvement Program is sufficient to complete the project or program. The provisions of this subsection shall not apply to any project (i) the design and construction of which cannot be completed within six years, (ii) the estimated costs of which exceed \$2 billion, and

266 (iii) that requires the Board to exercise its authority to waive the funding cap pursuant to subsection B of
267 § 33.2-369.

268 F. The Board shall have the power and duty to integrate land use with transportation planning and
269 programming, consistent with the efficient and economical use of public funds. If the Board determines
270 that a local transportation plan described in § 15.2-2223 or any amendment as described in § 15.2-2229
271 or a metropolitan regional long-range transportation plan or regional Transportation Improvement
272 Program as described in § 33.2-3201 is not consistent with the Board's Statewide Transportation Plan
273 developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B,
274 and the location of routes to be followed by roads comprising systems of state highways pursuant to
275 subsection A of § 33.2-208, the Board shall notify the locality of such inconsistency and request that the
276 applicable plan or program be amended accordingly. If, after a reasonable time, the Board determines that
277 there is a refusal to amend the plan or program, then the Board may reallocate funds that were allocated
278 to the nonconforming project as permitted by state or federal law. However, the Board shall not reallocate
279 any funds allocated pursuant to § 33.2-319 or 33.2-366, based on a determination of inconsistency with
280 the Board's Statewide Transportation Plan or the Six-Year Improvement Program nor shall the Board
281 reallocate any funds, allocated pursuant to subsection C or D of § 33.2-358, from any projects on highways
282 controlled by any county that has withdrawn, or elects to withdraw, from the secondary system of state
283 highways based on a determination of inconsistency with the Board's Statewide Transportation Plan or
284 the Six-Year Improvement Program. If a locality or metropolitan planning organization requests the
285 termination of a project, and the Department does not agree to the termination, or if a locality or
286 metropolitan planning organization does not advance a project to the next phase of construction when
287 requested by the Board and the Department has expended state or federal funds, the locality or the
288 localities within the metropolitan planning organization may be required to reimburse the Department for
289 all funds expended on the project. If, after design approval by the Chief Engineer of the Department, a
290 locality or metropolitan planning organization requests alterations to a project that, in the aggregate,
291 exceeds 10 percent of the total project costs, the locality or the localities within the metropolitan planning

organization may be required to reimburse the Department for the additional project costs above the original estimates for making such alterations.

§ 33.2-214.4. Statewide prioritization for the Commonwealth Mass Transit Fund.

A. 1. The Board shall develop a prioritization process for the use of funds allocated pursuant to subdivision ~~C~~ D 2 of § 33.2-1526.1. Such prioritization process shall be used for the development of the Six-Year Improvement Program adopted annually by the Board pursuant to § 33.2-214. There shall be a separate prioritization process for state of good repair projects and major expansion projects. The prioritization process shall, for state of good repair projects, be based upon transit asset management principles, including federal requirements for Transit Asset Management pursuant to 49 U.S.C. § 5326. The prioritization process shall, for major expansion projects, be based on an objective and quantifiable analysis that considers the following factors relative to the cost of a major expansion project: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use.

2. The Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this subsection. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the prioritization process set forth in subdivision 1 for a metropolitan planning area with a population of over 200,000 individuals.

B. 1. The Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of the process set forth in subdivision 2. The Transit Service Delivery Advisory Committee shall elect a chairman from among its membership. The Department of Rail and Public Transportation shall provide administrative support to the Transit Service Delivery Advisory Committee. The Transit Service Delivery Advisory Committee shall meet at

least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation.

2. The Department of Rail and Public Transportation, in conjunction with the Transit Service Delivery Advisory Committee, shall develop a process for the distribution of the funds allocated pursuant to subdivision ~~C 4~~ D 1 of § 33.2-1526.1 and the incorporation by transit systems of the service delivery factors set forth therein into their transit development plans. Prior to the Board approving service delivery factors, the Director of the Department of Rail and Public Transportation and the Chairman of the Transit Service Delivery Advisory Committee shall brief the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation regarding the findings and recommendations of the Transit Service Delivery Advisory Committee and the Department of Rail and Public Transportation. Before redefining any component of the service delivery factors, the Board shall consult with the Director of the Department of Rail and Public Transportation, the Transit Service Delivery Advisory Committee, and interested stakeholders, and shall provide for a 45-day public comment period. The process required to be delivered by this subsection shall be adopted no later than July 1, 2019, and shall apply beginning with the fiscal year 2020-2025 Six-Year Improvement Program.

§ 33.2-226. Authority to lease or convey airspace.

The Commissioner of Highways may lease or sell and convey the airspace superjacent or subjacent to any highway in the Commonwealth that is within his jurisdiction and in which the Commonwealth owns fee simple title after satisfying itself that use of the airspace will not impair the full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and it cannot be reasonably foreseen as needed in the future for highway and other transit uses and purposes. The Commissioner of Highways may provide in such leases and conveyances of airspace for columns of support, in fee or otherwise, ingress, egress, and utilities.

No lease or conveyance shall be entered into by the Commissioner of Highways unless the locality, by action of its governing body by majority recorded vote, approves the projected use of the airspace in question and has taken such steps as it deems proper to regulate the type and use of the improvements to be erected in such airspace by appropriate zoning or other method of land use control.

All leases and conveyances shall contain those terms deemed necessary by the Commissioner of Highways to protect the interests of the Commonwealth and the public. The Commissioner of Highways may utilize any competitive procurement process authorized by law, including (i) competitive sealed bidding, (ii) competitive negotiation, (iii) best value procurements as defined in § 2.2-4301, and (iv) public-private partnerships pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), as determined by the Commissioner of Highways, in his sole discretion, to be appropriate and the method most likely to achieve the identified goals of the proposed lease or sale and conveyance of airspace. The Commissioner of Highways may reject any bid or offer that he believes is not in the best interest of the Commonwealth.

Compensation paid for such leases and conveyances shall be credited to the Priority Transportation Trust Fund established pursuant to ~~§ 33.2-1524~~ § 33.2-1527.

§ 33.2-232. Biennial reports by Commissioner of Highways and the Office of Intermodal Planning and Investment.

A. The Secretary of Transportation shall ensure that the reports required under subsections B and C are provided in writing to the Governor, the General Assembly, and the Commonwealth Transportation Board by the dates specified.

B. The Commissioner of Highways shall provide to each recipient specified in subsection A, no later than November 1 of each even-numbered year, a report, the content of which shall be specified by the Board and shall contain, at a minimum:

1. The methodology used to determine maintenance needs, including an explanation of the transparent methodology used for the allocation of funds from the Highway Maintenance and Operating Fund pursuant to subsection A of § 33.2-352;

2. The methodology approved by the Board for the allocation of funds for state of good repair purposes as defined in § 33.2-369 and, if necessary, an explanation and rationale for any waiver of the cap provided for in subsection B of § 33.2-369;

371 3. The expenditures from the Highway Maintenance and Operating Program for the past fiscal year
372 by asset class or activity and by construction district as well as the planned expenditure for the current
373 fiscal year;

374 4. A description of transportation systems management and operations in the Commonwealth and
375 the operating condition of primary and secondary state highways, including location and average duration
376 of incidents;

377 5. A listing of prioritized pavement and bridge needs based on the priority ranking system
378 developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system;

379 6. A description of actions taken to improve highway operations within the Commonwealth,
380 including the use of funds in the Innovation and Technology Transportation Fund established pursuant to
381 § 33.2-1531;~~and~~

382 7. The use of funds in the Robert O. Norris Bridge and Statewide Special Structure Fund
383 established pursuant to § 33.2-1532; and

384 8. A review of the Department's collaboration with the private sector in delivering services.

385 C. The Office of Intermodal Planning and Investment of the Secretary of Transportation shall
386 provide to each recipient specified in subsection A, no later than November 1 of each odd-numbered year,
387 a report, the content of which shall be specified by the Board and shall contain, at a minimum:

388 1. A list of transportation projects approved or modified during the prior fiscal year, including
389 whether each such project was evaluated pursuant to § 33.2-214.1 and the program from which each such
390 project received funding;

391 2. The results of the most recent project evaluations pursuant to § 33.2-214.1, including a
392 comparison of (i) projects selected for funding with projects not selected for funding, (ii) funding allocated
393 by district and by mode of transportation, and (iii) the size of projects selected for funding;

394 3. The current performance of the Commonwealth's surface transportation system, the targets for
395 future performance, and the progress toward such targets based on the measures developed pursuant to §
396 2.2-229;

4. The status of the Virginia Transportation Infrastructure Bank, including the balance in the Bank, funding commitments made over the prior fiscal year, and performance of the current loan portfolio;

5. The status of the Toll Facilities Revolving Account, including the balance in the account, project commitments from the account, repayment schedules, and the performance of the current loan portfolio; and

6. Progress made toward achieving the performance targets established by the Commonwealth Transportation Board.

D. The purpose of the reports required pursuant to this section is to ensure transparency and accountability in the use of transportation funds. Reports required by this section shall be made available to the public on the website of the Commonwealth Transportation Board.

Article 6.

Virginia Passenger Rail Authority Act.

§ 33.2-287. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Passenger Rail Authority.

"Board" means the Board of Directors of the Authority.

"Bonds" means the revenue notes, bonds, certificates and other evidences of indebtedness or obligations of the Authority.

"Cost" means, as applied to rail facilities, (i) the cost of construction; (ii) the cost of acquisition of all lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests; (iii) the cost of demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired, including the cost of acquiring any lands to which such buildings, structures, or fixtures may be moved or relocated; (iv) the cost of all labor, materials, machinery, and equipment; (v) financing charges and interest on all bonds prior to and during construction and for one year after completion of construction; (vi) the cost of engineering, financial, and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses incidental to determining the feasibility of acquiring, constructing, operating, or maintaining rail facilities; (vii) administrative expenses, provisions for working

capital, reserves for interest and for extensions, enlargements, additions, and improvements; and (viii) such other expenses as may be necessary or incidental to the acquisition, construction, financing, operations, and maintenance of rail facilities. Any obligation or expense incurred by the Commonwealth or any agency thereof for studies, surveys, borings, preparation of plans, and specification or other work or materials in the acquisition or construction of rail facilities may be regarded as a part of the cost of rail facilities and may be reimbursed to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such rail facilities as herein authorized.

"Department" means the Department of Rail and Public Transportation.

"Rail facilities" means the assets consisting of the real, personal, or mixed property, or any interest in that property, whether tangible or intangible, that are determined to be necessary or convenient for the provision of passenger rail service. "Rail facilities" includes all property or interests necessary or convenient for the acquiring, providing, using, equipping, or maintaining of a rail facility or system, including right-of-way, trackwork, train controls, stations, and maintenance facilities.

"Transportation Board" means the Commonwealth Transportation Board.

§ 33.2-288. Declaration of public purpose; Virginia Passenger Rail Authority.

A. The General Assembly finds and determines that (i) it is the policy of the Commonwealth to improve, identify, encourage, and promote new approaches to economic development throughout the Commonwealth; (ii) passenger rail travel and services are integral to the economic development and expansion of the Commonwealth's economy; and (iii) there exists in the Commonwealth a need to increase passenger rail capacity in the Commonwealth and improve passenger rail services.

B. In order to increase passenger rail capacity and improve passenger rail services and to promote the industrial and economic development of the Commonwealth, there is hereby created a body corporate and political subdivision of the Commonwealth to be known as the "Virginia Passenger Rail Authority." The Authority is hereby constituted as a public instrumentality exercising public and essential governmental functions, and the exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

C. The purpose of the Authority shall be to promote, sustain, and expand the availability of passenger and commuter rail service in the Commonwealth and to increase ridership of such service by connecting population centers with passenger and commuter rail service and increasing availability of such service.

§ 33.2-289. Board of Directors.

A. The Authority shall be governed by the Board of Directors of the Authority consisting of 11 members as follows: (i) eight nonlegislative citizen members, appointed by the Governor, who shall serve with voting privileges; (ii) one nonlegislative citizen member appointed by the Governor who shall represent the National Passenger Railroad Corporation and who shall serve without voting privileges; (iii) the chief executive officer of a commuter rail service jointly operated by the Northern Virginia Transportation District established pursuant to § 33.2-1904 and the Potomac Rappahannock Transportation District established pursuant to the Transportation District Act (§ 33.2-1900 et seq.), who shall serve ex officio without voting privileges; and (iv) the Director of the Department who shall serve ex officio and shall have voting privileges only in the event of a tie. Of the eight nonlegislative citizen members with voting privileges:

1. Two members shall reside within the boundaries of the Northern Virginia Transportation District established pursuant to § 33.2-1904;

2. Two members shall reside within the boundaries of the Potomac-Rappahannock Transportation District established pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.);

3. Two members shall reside within the boundaries of the Richmond Metropolitan Transportation Authority established pursuant to Chapter 29 (§ 33.2-2900 et seq.);

4. One member shall reside within the boundaries of the Hampton Roads Transportation Accountability Commission established pursuant to Chapter 26 (§ 33.2-2600 et seq.); and

5. One member shall reside within the boundaries of Planning District 5, 9, 10, or 11.

B. The nonlegislative citizen members appointed by the Governor shall be subject to confirmation by the General Assembly. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if

confirmed, thereafter for the remainder of the term. No member shall be eligible to serve more than two consecutive four-year terms. The remainder of any term for which a member is appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for reappointment. No member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to serve as an appointed member of the Board. The Director shall serve terms coincident with his term of office.

C. The Director of the Department shall serve as chairman of the Board. The Board shall annually elect from among its members a vice-chairman and a secretary. The Board shall also annually elect a treasurer, who need not be a member of the Board, and may also elect other subordinate officers who need not be a member of the Board, as it deems proper. The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Board. In the absence of both the chairman and vice-chairman, the Board shall appoint a chairman pro tempore, who shall preside at such meetings.

D. Five members shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. All actions of the Board shall require the affirmative vote of a majority of the members present and voting, except that the sale of land or issuance of bonds shall require an affirmative vote of six members present and voting.

E. The Board shall meet at least once quarterly. The Board shall determine the times and places of its regular meetings. Special meetings of the Board shall be held when requested by three or more members of the Board. Any such request for a special meeting shall be in writing, and the request shall specify the time and place of the meeting and the matters to be considered at the meeting. A reasonable effort shall be made to provide each member with notice of any special meeting. No matter not specified in the notice shall be considered at such special meeting unless all members of the Board are present.

F. The members of the Board shall be entitled to reimbursement for their reasonable travel, meal, and lodging expenses incurred in attending the meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority upon vouchers

signed by the chairman of the Board or by such other person or persons as may be designated by the Board for this purpose.

§ 33.2-290. Executive Director; agents and employees.

A. The Board shall employ an Executive Director of the Authority, who shall not be a member of the Board and who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Authority and carry out the powers and duties conferred upon him as may be delegated to him by the Board. The Executive Director's compensation from the Commonwealth shall be fixed by the Board in accordance with law. This compensation shall be established at a level that will enable the Authority to attract and retain a capable Executive Director.

B. The Executive Director shall employ or retain such other agents or employees subordinate to the Executive Director as may be necessary, subject to the Board's approval.

C. Employees of the Authority shall be employed on such terms and conditions as established by the Authority and shall be considered employees of the Commonwealth. Employees of the Authority shall be eligible for membership in the Virginia Retirement System or other retirement plans authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 and participation in all health and related insurance and other benefits, including premium coverage and flexible benefits, available to state employees and provided by law. The Board shall develop and adopt personnel rules, policies, and procedures to give its employees grievance rights, ensure that employment decisions shall be based upon merit and fitness of applicants, and prohibit discrimination on the basis of race, religion, color, national origin, sex, pregnancy, child birth or related medical conditions, age, sexual orientation, marital status, or disability. Notwithstanding any other provision of law, the Board shall develop, implement, and administer a paid leave program, which may include annual, personal, and sick leave or any combination thereof. All other leave benefits shall be administered in accordance with Chapter 11 (§ 51.1-1100 et seq.) or Chapter 11.1 (§ 51.1-1150 et seq.) of Title 51.1, except as otherwise provided in this section.

§ 33.2-291. Local authorities subordinate to Authority.

Any conflict between any authority granted to localities or other entities of the Commonwealth, other than the Transportation Board and the Department, with respect to the ownership or use of rail

531 facilities or the provision of passenger rail service, or the exercise of that authority, and the exercise of the
532 authority granted by the Board under this article shall be resolved in favor of the exercise of such authority
533 by the Board. Rights-of-way transferred to the Authority from a railroad shall not be subject to the
534 requirements of any local ordinances enacted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

535 **§ 33.2-292. Powers of the Authority.**

536 A. The Authority, in addition to other powers enumerated in this article, is hereby granted and
537 shall have and may exercise all powers necessary or convenient for the carrying out of its statutory
538 purposes, including, but without limiting the generality of the foregoing, the power to:

539 1. Make and adopt bylaws, rules, and regulations;

540 2. Adopt, use, and alter at will a common seal;

541 3. Maintain offices;

542 4. Sue and be sued, implead and be impleaded, complain, and defend in all courts in its own name;

543 5. Grant others the privilege to design, build, finance, operate, and maintain rail facilities;

544 6. Grant others the privilege to operate concessions, leases, and franchises, including but not
545 limited to the accommodation and comfort of persons using rail facilities and the provision of ground
546 transportation services and parking facilities for such persons;

547 7. Borrow money and issue bonds to finance and refinance rail facilities pursuant to § 33.2-294;
548 and pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for
549 all or any of the obligations of the Authority, subject to the limitations in subsection J of § 33.2-294.

550 8. Fix, alter, charge, and collect fees, rates, rentals, and other charges for the use of rail facilities,
551 the sale of products, or services rendered by the Authority at rates to be determined by it for the purpose
552 of providing for the payment of (i) expenses of the Authority; (ii) the costs of planning, development,
553 construction, improvement, rehabilitation, repair, furnishing, maintenance, and operation of its rail
554 facilities and properties; (iii) the costs of accomplishing its purposes set forth in § 33.2-288; and (iv) the
555 principal of and interest on its obligations, and the funding of reserves for such purposes, and the costs of
556 maintaining, repairing, and operating any rail facilities and fulfilling the terms and provisions of any
557 agreement made with the purchasers or holders of any such obligations;

558 9. Make and enter into all contracts and agreements necessary or incidental to the performance of
559 its duties, the furtherance of its purposes, and the execution of its powers under this article, including
560 interstate compacts and agreements with any person, federal agency, or political subdivision of the
561 Commonwealth;

562 10. Employ, in its discretion, consultants, attorneys, architects, engineers, accountants, financial
563 experts, investment bankers, superintendents, managers, and such other employees and agents as may be
564 necessary and fix their compensation to be payable from funds lawfully available to the Authority;

565 11. Appoint advisory committees as may be necessary for the performance of its duties, the
566 furtherance of its purposes, and the execution of its powers under this article;

567 12. Vacate or change location of any portion of any public highway, street, public way, public
568 utility, sewer, pipe, main, conduit, cable, wire, tower pole, or other equipment of the Commonwealth and
569 its political subdivisions and reconnect the same in a new location;

570 13. Enter upon lands, waters, and premises for surveys, soundings, borings, examinations, and
571 other activities as may be necessary for the performance of its duties;

572 14. Receive and accept from any federal or private agency, foundation, corporation, association,
573 or person grants, donations of money or real or personal property for the benefit of the Authority and
574 receive and accept from the Commonwealth or any state, and any municipality, county, or other political
575 subdivision thereof and from any other source, aid or contributions of either money, property, or other
576 things of value to be held, used, and applied for the purposes for which such grants and contributions may
577 be made, provided that any federal moneys so received and accepted shall be accepted and expended by
578 the Authority upon such terms and conditions as are prescribed by the United States and as are consistent
579 with the laws of the Commonwealth and any state moneys so received shall be accepted and expended by
580 the Authority upon such terms and conditions as are prescribed by the Commonwealth;

581 15. Accept loans from the federal government, the state government, regional authorities,
582 localities, and private sources, provided that any federal moneys so accepted shall be accepted and
583 expended by the Authority upon such terms and conditions as are prescribed by the United States and as

are consistent with laws of the Commonwealth and any state moneys so accepted shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

16. Lease or sell and convey the airspace superadjacent or subadjacent to any rail facility owned by the Authority;

17. Pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority;

18. Participate in joint ventures with individuals, domestic or foreign stock and nonstock corporations, limited liability companies, partnerships, limited partnerships, associations, foundations, or other supporting organizations or other entities for providing passenger rail or related services or other activities that the Authority may undertake to the extent that such undertakings assist the Authority in carrying out the purposes and intent of this article;

19. Act as a "responsible public entity" for the purposes of the acquisition, construction, improvement, maintenance, or operation, or any combination thereof, of a "qualifying transportation facility" under the Public-Private Partnership Transportation Act of 1995 (§ 33.2-1800 et seq.); and

20. Undertake all actions necessary and convenient to carry out the powers granted herein.

B. Notwithstanding the provisions of this section, the Authority shall not directly operate any passenger, commuter, or other rail service.

§ 33.2-293. Acquisition, possession, and disposition of rail facilities; eminent domain.

A. The Authority shall have the right to acquire by purchase, lease, or grant rail facilities and other lands, structures, property, both real and personal, tangible and intangible, rights, rights-of-way, franchises, easements, and other interests therein, whether located within or not within the geographic boundaries of the Commonwealth, for the construction, operation, maintenance, and use of rail facilities.

B. The Authority shall have the right to hold and dispose of rail facilities and other lands, structures, property, both real and personal, tangible and intangible, rights, rights-of-way, franchises, easements, and other interests therein in the exercise of its powers and the performance of its duties under this article, including but not limited to the sale, exchange, lease, mortgage, or pledge of such property or

610 interest therein, provided that any such disposition that involves property or interests with a fair market
611 value in excess of \$5 million shall require the consent of the Transportation Board.

612 C. The Commonwealth and any agencies or political subdivisions thereof may provide services,
613 donate, lease, sell, convey, or otherwise transfer, with or without consideration or for minimal
614 consideration, real or personal property and make appropriations to the Authority for the design,
615 acquisition, construction, equipping, maintenance, and operation of rail facilities and may issue bonds in
616 the manner provided in the Public Finance Act (§ 15.2-2600 et seq.) or in its municipal charter for the
617 purpose of providing funds to be appropriated to the Authority; the Authority may agree to assume, or
618 reimburse such a political subdivision for, any indebtedness incurred by such political subdivision with
619 respect to facilities conveyed by it to the Authority.

620 D. The Authority is authorized to acquire by the exercise of the power of eminent domain any
621 lands, property rights, rights-of-way, franchises, easements, and other property, including public lands,
622 parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person,
623 partnership, association, railroad, public service, public utility, or other corporation, or of any
624 municipality, county, or other political subdivision, deemed necessary or convenient for the construction
625 or the efficient operation of rail facilities or necessary in the restoration, replacement, or relocation of
626 public or private property damaged or destroyed whenever a reasonable price cannot be agreed upon with
627 the governing body of such municipality, county, or other political subdivision as to such property owned
628 by it or whenever the Authority cannot agree on the terms of purchase or settlement with the other owners
629 because of the incapacity of such owners, because of the inability to agree on the compensation to be paid
630 or other terms of settlement or purchase, or because such owners are nonresidents of the Commonwealth,
631 are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance
632 with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of
633 the power of eminent domain and subject to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1.
634 Title to any property condemned by the Authority shall immediately vest in the Authority, and the
635 Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk
636 of the court in which such condemnation proceedings are originated of the total amount of the appraised

price of the property and court costs and fees as provided by law, notwithstanding that any of the parties to such proceedings may appeal from any decision in such condemnation proceedings. Whenever the Authority makes such deposit in connection with any condemnation proceedings, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his or their pro rata share of 100 percent of such appraised price. The acceptance of such payment shall not preclude such person from appealing any decision rendered in such proceedings. If the appraisal is greater or less than the amount finally determined by the decision in such proceedings or by an appeal, the amount of the increase or decrease shall be paid or refunded to the Authority.

E. The acquisition of any such property by condemnation or by the exercise of the power of eminent domain for the purposes provided herein shall be and is declared to be a public use of such property.

F. For purposes of this section, the terms "appraised price" and "appraisal" mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

§ 33.2-294. Issuance of bonds.

A. The Authority may issue bonds from time to time in its discretion, for any of its purposes, including the payment of all or any part of the cost of rail facilities. Notwithstanding the foregoing, any bonds issued to pay for the initial funding of capital expenditures shall be limited to financing capital expenditures submitted for approval by the Transportation Board as set forth in § 33.2-298.

B. The Authority may issue refunding bonds for the purpose of refunding any bonds then outstanding that shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date fixed for redemption of such bonds. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the Authority in respect of the same shall be governed by the provisions of this article insofar as the same may be applicable.

C. The bonds of each issue shall be dated such date as may be determined by the Authority; shall bear interest at such rate or rates as shall be fixed by the Authority, or as may be determined in such

manner as the Authority may provide, including the determination by agents designated by the Authority under guidelines established by the Authority; shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the Authority; and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds.

D. The Authority shall determine the form of the bonds and manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or outside the Commonwealth. The bonds shall be signed by the chairman or vice-chairman of the Authority or, if so authorized by the Authority, shall bear his facsimile signature and the official seal of the Authority, or, if so authorized by the Authority, a facsimile thereof shall be impressed or imprinted thereon and attested by the secretary or any assistant secretary of the Authority, or, if so authorized by the Authority, with the facsimile signature of such secretary or assistant secretary. Any coupons attached to bonds issued by the Authority shall bear the signature of the chairman or vice-chairman of the Authority or a facsimile thereof. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bonds may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bonds shall be the proper officers to sign such bonds although at the date of such bonds such persons may not have been such officers.

E. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. Bonds issued in registered form may be issued under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payment of principal of, and premium on, if any, and interest on such bonds. The Authority may contract for the services of one or more banks, trust companies, financial institutions,

691 or other entities or persons, within or outside the Commonwealth for the authentication, registration,
692 transfer, exchange, and payment of the bonds, or may provide such services itself. The Authority may sell
693 such bonds in such manner, either at public or private sale, and for such price as it may determine will
694 best effect the purposes of this article.

695 F. The proceeds of the bonds of each issue shall be used solely for the purposes, and in furtherance
696 of the powers, of the Authority as may be provided in the resolution authorizing the issuance of such bonds
697 or in the trust agreement hereinafter mentioned securing the same.

698 G. In addition to the above powers, the Authority shall have the authority to issue interim receipts
699 or temporary bonds as provided in § 15.2-2616 and to execute and deliver new bonds in place of bonds
700 mutilated, lost, or destroyed as provided in § 15.2-2621.

701 H. All expenses incurred in carrying out the provisions of this article shall be payable solely from
702 funds available pursuant to the provisions of this article, and no liability shall be incurred by the Authority
703 hereunder beyond the extent to which moneys shall have been provided or received under the provisions
704 of this article.

705 I. At the discretion of the Authority, any bonds issued under the provisions of this article may be
706 secured by a trust indenture or agreement by and between the Authority and a corporate trustee, which
707 may be any trust company or bank having the powers of a trust company within or outside the
708 Commonwealth. Such trust indenture or agreement or the resolution providing for the issuance of such
709 bonds may pledge or assign the revenues to be received and provide for the mortgage of any rail facilities
710 or property or any part thereof. Such trust indenture or agreement or resolution providing for the issuance
711 of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the
712 bondholders as may be reasonable and proper and not in violation of law, including covenants providing
713 for the repossession and sale by the Authority or any trustees under any trust indenture or agreement of
714 any rail facilities, or part thereof, upon any default under the lease or sale of such rail facilities, setting
715 forth the duties of the Authority in relation to the acquisition of property and the planning, development,
716 acquisition, construction, rehabilitation, establishment, improvement, extension, enlargement,
717 maintenance, repair, operation, and insurance of the rail facilities in connection with which such bonds

shall have been authorized; the amounts of rates, rents, fees, and other charges to be charged; the collection of such rates, rents, fees, and other charges; the custody, safeguarding, and application of all moneys; and conditions or limitations with respect to the issuance of additional bonds. It is lawful for any national bank with its main office in the Commonwealth or any other state or any bank or trust company incorporated under the laws of the Commonwealth or another state that may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust indenture or agreement or resolution may set forth the rights of action by bondholders. In addition to the foregoing, any such trust indenture or agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders including, without limitation, provisions for the assignment to a corporate trustee or escrow agent of any rights of the Authority in any project owned by, or leases or sales of any rail facilities made by, the Authority. All expenses incurred in carrying out the provisions of such trust indenture or agreement or resolution or other agreements relating to any rail facilities, including those to which the Authority may not be a party, may be treated as a part of the cost of the operation of the rail facilities.

J. No obligation of the Authority shall be deemed to constitute a debt, or pledge of the faith and credit, of the Commonwealth or of any other political subdivision thereof but shall be payable solely from the revenues and other funds of the Authority pledged thereto, excluding revenues provided from the Commonwealth Rail Fund pursuant to § 33.2-1526.2. All such obligations shall contain on the face thereof a statement to the effect that the Commonwealth, any political subdivision thereof, and the Authority shall not be obligated to pay the same or the interest thereon except from revenues and other funds of the Authority pledged thereto, and that neither the faith and credit nor the taxing power of the Commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such obligations.

K. Any bonds or refunding bonds issued under the provisions of this article and any transfer of such bonds shall at all times be free from Commonwealth and local taxation. The interest on the bonds and any refunding bonds or bond anticipation notes shall at all times be exempt from taxation by the Commonwealth and by any political subdivision thereof.

745 L. Neither the directors of the Board nor any person executing the bonds shall be liable personally
746 on the bonds by reason of the issuance thereof.

747 M. Any holder of bonds issued under the provisions of this article or any of the coupons
748 appertaining thereto, and the trustee under any trust indenture or agreement or resolution, except to the
749 extent the rights herein given may be restricted by such trust indenture or agreement or resolution
750 authorizing the issuance of such bonds, may either at law or in equity, by suit, action, mandamus, or other
751 proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted
752 hereunder or under such trust indenture or agreement or resolution, and may enforce and compel the
753 performance of all duties required by this article or by such trust indenture or agreement or resolution to
754 be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of
755 rates, rentals, fees, and other charges.

756 N. Provision may be made in the proceedings authorizing refunding bonds for the purchase of the
757 refunded bonds in the open market or pursuant to tenders made from time to time where there is available
758 in the escrow or sinking fund for the payment of the refunded bonds a surplus in an amount to be fixed in
759 such proceedings.

760 O. 1. The Authority is hereby authorized to apply for, execute, and/or endorse applications
761 submitted by private entities or political subdivisions of the Commonwealth to obtain federal credit
762 assistance for one or more qualifying transportation infrastructure projects or facilities to be developed
763 pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). Any such application,
764 agreement, and/or endorsement shall not financially obligate the Commonwealth or be construed to
765 implicate the credit of the Commonwealth as security for any such federal credit assistance.

766 2. The Authority is hereby authorized to pursue or otherwise apply for, and execute, an agreement
767 to obtain financing using a federal credit instrument for project financings otherwise authorized by this
768 article or other acts of assembly.

769 **§ 33.2-295. Deposit and investment of funds.**

770 Bonds issued by the Authority under the provisions of this article are hereby made securities in
771 which all public officers and public bodies of the Commonwealth and its political subdivisions, all

insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations of the Commonwealth is now or may hereafter be authorized by law.

§ 33.2-296. Revenues of the Authority.

All moneys received by the Authority pursuant to this article including, without limitation, moneys received from the Commonwealth Rail Fund established pursuant to § 33.2-1526.2, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this article. The resolution authorizing the bonds of any issue or the trust indenture or agreement or resolution securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as a trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this article and such trust indenture or agreement or resolution may provide.

§ 33.2-297. Moneys of Authority.

All moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give such security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other order of such person or persons as the Authority may authorize to execute such warrants or orders.

§ 33.2-298. Annual budget.

The Authority shall prepare and submit a detailed annual operating plan and budget to the Transportation Board by February 1 of each fiscal year. The Authority shall also prepare and submit for approval any proposed capital expenditures for the following fiscal year to the Transportation Board by February 1. The Transportation Board shall have until May 30 to approve or deny any capital expenditures.

and, in the event the Transportation Board has not approved or denied the Authority's proposed capital expenditures by such deadline, such expenditures shall be deemed approved. The operating plan and budget shall be in a form prescribed by the Transportation Board and shall include information on expenditures, indebtedness, and other information as prescribed by the Transportation Board.

§ 33.2-299. Recordkeeping; audits.

A. The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by governmental generally accepted accounting principles. Such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by enterprises.

B. The accounts of the Authority shall be audited annually by a certified public accounting firm selected by the Auditor of Public Accounts with the assistance of the Authority through a process of competitive negotiation. The cost of such audit and review shall be borne by the Authority.

C. The Authority shall submit an annual report to the Governor and the General Assembly on or before November 1 of each year. Such report shall contain the audited financial statements of the Authority for the fiscal year ending the preceding June 30.

D. The Board, the General Assembly, or the Governor may at any time request that the Office of the Inspector General, created pursuant to § 2.2-308, review any area of the Authority's finances or operations.

§ 33.2-299.1. Exemption of Authority from personnel and procurement procedures.

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article. The Authority shall develop and adopt rules governing their procurement procedures. The initial rules shall be adopted by the Board no later than six months after the first meeting of the Board.

§ 33.2-299.2. Police powers, Authority rules and regulations.

The Authority is empowered to adopt and enforce reasonable rules and regulations governing any and all activities using Authority property. Such rules and regulations shall have the force and effect of

law after publication one time in full in a newspaper of general circulation in the county or city where the affected property is located.

§ 33.2-299.3. Governmental function; exemption from taxation.

The exercise of the powers granted by this article will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of rail facilities by the Authority and the undertaking of activities in the furtherance of the purposes of the Authority will constitute the performance of the essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any rail facilities or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on the tangible personal property used in the operations of the Authority. The exemption hereby granted shall not be construed to extend to persons conducting on the premises of any rail facility businesses for which local or state taxes would otherwise be required.

§ 33.2-299.4. Cooperation with federal agencies.

The Authority is empowered to cooperate with, and act as an agent for, the United States or any agency, department, corporation, or instrumentality thereof in the maintenance, development, improvement, and use of rail facilities of the Commonwealth and in any other matter within the purposes, duties, and powers of the Authority.

§ 33.2-299.5. Continuing responsibilities of the Transportation Board and the Department.

The Transportation Board and the Department shall cooperate and assist the Authority in the accomplishment of its purposes as set forth in § 33.2-288.

§ 33.2-299.6. Dissolution of Authority.

Whenever the Board determines that the purposes for which it was created have been substantially fulfilled or are impractical or impossible to accomplish and that all bonds theretofore issued and all other obligations therefore incurred by the Authority have been paid or that cash or a sufficient amount of United States government securities has been deposited for their payment, and upon the approval of the Governor and the General Assembly, the Board may adopt resolutions or ordinances declaring and finding that the

Authority should be dissolved and that appropriate articles of dissolution shall be filed with the State Corporation Commission. Upon filing of such articles of dissolution by the Authority, such dissolution shall become effective and the title to all funds and other property owned by the Authority at the time of such filing shall vest in the Department.

§ 33.2-299.7. Exclusions from the Virginia Freedom of Information Act; proprietary records and trade secrets.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), the Authority shall keep confidential trade secrets or proprietary information, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality where if such information were made public, the financial interest of the private person or entity could be adversely affected.

§ 33.2-299.8. Liberal construction.

Neither this article nor anything herein contained is or shall be construed as a restriction or limitation upon any powers that the Authority might otherwise have under any laws of the Commonwealth, and this article is cumulative to any such powers. This article does and shall be construed to provide a complete, additional, and alternative method for the doing of things authorized thereby and shall be regarded as supplemental and additional to power conferred by other laws. However, except as otherwise explicitly provided herein, the issuance of bonds, notes, and other obligations and refunding bonds under the provisions of this article need not comply with the requirements of any other law of the Commonwealth applicable to the issuance of bonds, notes, and other obligations. No proceedings, notice, or approval shall be required for the issuance of any bonds, notes, and other obligations or any instrument as security therefor, except as is provided in this article.

§ 33.2-358. Allocation of funds among highway construction programs.

~~A. For the purposes of this section:~~

~~"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department as being functionally obsolete or structurally deficient.~~

~~"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.~~

880 ~~"High tech infrastructure improvements" means those projects or programs identified by the Board~~
881 ~~that reduce congestion, improve mobility, improve safety, provide up to date travel data, or improve~~
882 ~~emergency response.~~

883 ~~B. The Board shall allocate each year from all funds made available for highway purposes such~~
884 ~~amount as it deems reasonable and necessary for the maintenance of roads within the Interstate System,~~
885 ~~the primary state highway system, and the secondary state highway system and for city and town street~~
886 ~~maintenance payments made pursuant to § 33.2-319 and payments made to counties that have withdrawn~~
887 ~~or elect to withdraw from the secondary state highway system pursuant to § 33.2-366.~~

888 ~~C. Until July 1, 2020, after funds are set aside for administrative and general expenses and pursuant~~
889 ~~to other provisions in this title that provide for the disposition of funds prior to allocation for highway~~
890 ~~purposes, and after allocation is made pursuant to subsection B, the Board shall allocate an amount~~
891 ~~determined by the Board not to exceed \$500 million in any given year as follows: (i) 25 percent to bridge~~
892 ~~reconstruction and rehabilitation; (ii) 25 percent to advancing high priority projects statewide; (iii) 25~~
893 ~~percent to reconstructing deteriorated Interstate System, primary state highway system, and municipality~~
894 ~~maintained primary extension pavements determined to have a Combined Condition Index of less than~~
895 ~~60; (iv) 15 percent to projects undertaken pursuant to the Public Private Transportation Act of 1995 (§~~
896 ~~33.2-1800 et seq.); (v) five percent to paving or improving unpaved highways carrying more than 50~~
897 ~~vehicles per day; and (vi) five percent to the Innovation and Technology Transportation Fund established~~
898 ~~pursuant to § 33.2-1531 for high tech infrastructure improvements, provided that at the discretion of the~~
899 ~~Board such percentages of funds may be adjusted in any given year to meet project cash flow needs or~~
900 ~~when funds cannot be expended due to legal, environmental, or other project management considerations.~~
901 ~~After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining~~
902 ~~for highway purposes for the undertaking and financing of rail projects that in the Board's determination~~
903 ~~will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board~~
904 ~~shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the~~
905 ~~Interstate System, pursuant to § 33.2-360 and any funds not allocated to a project in the Six Year~~
906 ~~Improvement Program as follows:~~

50 percent for the high-priority projects program established pursuant to § 33.2-370 and 50 percent for the highway construction district grant programs established pursuant to § 33.2-371.

D. For funds allocated for fiscal years beginning on and after July 1, 2020, after B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for ~~highway purposes~~ construction programs, and after allocation is made pursuant to subsection ~~B~~ A, the Board shall allocate all remaining funds, including funds apportioned pursuant to 23 U.S.C. § 104, or any successor programs, as follows:

1. ~~Forty-five~~ Twenty-nine and one-tenth percent of the remaining funds to state of good repair purposes as set forth in § 33.2-369;

2. ~~Twenty-seven and one-half~~ Twenty percent of the remaining funds to the high-priority projects program established pursuant to § 33.2-370; and

3. ~~Twenty-seven and one-half~~ Twenty percent of the remaining funds to the highway construction district grant programs established pursuant to ~~§ 33.2-371~~ § 33.2-372;

4. Twenty and four-tenths percent of the remaining funds to the Interstate Operations and Enhancement Program established pursuant to § 33.2-372; and

5. Ten and one-half percent of the remaining funds to the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

~~E. The funds allocated in subsection C or D shall not include any federal funds and related state match for federal funds with restrictions regarding the construction of general capacity expansion of roadways, or federal funds not under the control of the Board. Such exclusion shall not include restrictions on the location of projects to specific road classifications~~ C. The funds allocated in subsection B shall not include the following funds: Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4), or any successor program, and state matching funds; Surface Transportation Block Grant set-aside for Transportation Alternatives pursuant to 23 U.S.C. § 213, or any successor program, and any state matching funds; and funds received pursuant to federal programs established by the federal government after June 30, 2020, with specific rules that include major restrictions on the types of projects

that may be funded, excluding restrictions on the location of projects with regard to highway functional or administrative classification or population, provided such funds are under the control of the Board.

~~F.~~D. In addition, the Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

~~G.~~E. Notwithstanding the provisions of this section, the General Assembly may, through the general appropriation act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

§ 33.2-358.1. Transitional provisions for the allocation of funds among construction programs.

A. Notwithstanding the provisions of subsection B of § 33.2-358, the remaining funds after the allocation pursuant to subsection A of § 33.2-358, including funds apportioned pursuant to 23 U.S.C. § 104, and any successor program, for fiscal year 2021 shall be as follows:

1. Thirty-four and seven-tenths percent of the remaining funds to state of good repair purposes as set forth in § 33.2-369;

2. Twenty and four-tenths percent of the remaining funds to the high-priority projects program established pursuant to 33.2-370;

3. Twenty and four-tenths percent of the remaining funds to the highway construction district grant program established pursuant to § 33.2-371;

4. Fifteen and three-tenths percent to the Interstate Operations and Enhancement Program established pursuant to § 33.2-372; and

5. Nine and two-tenths percent to the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

958 B. Notwithstanding the provisions of subsection B of § 33.2-358, the remaining funds after the
959 allocation pursuant to subsection A of § 33.2-358, including funds apportioned pursuant to 23 U.S.C. §
960 104, and any successor program, for fiscal year 2022 shall be as follows:

961 1. Thirty-one and four-tenths percent of the remaining funds to state of good repair purposes as set
962 forth in § 33.2-369;

963 2. Nineteen and one-tenth percent of the remaining funds to the high-priority projects program
964 established pursuant to 33.2-370;

965 3. Nineteen and one-tenth percent of the remaining funds to the highway construction district grant
966 program established pursuant to § 33.2-371;

967 4. Twenty-one and five-tenths percent to the Interstate Operations and Enhancement Program
968 established pursuant to § 33.2-372; and

969 5. Eight and nine-tenths percent to the Virginia Highway Safety Improvement Program established
970 pursuant to § 33.2-373.

971 C. Notwithstanding the provisions of subsection B of § 33.2-358, the remaining funds after the
972 allocation pursuant to subsection A of § 33.2-358, including funds apportioned pursuant to 23 U.S.C. §
973 104, and any successor program, for fiscal year 2023 shall be as follows:

974 1. Thirty and four-tenths percent of the remaining funds to state of good repair purposes as set
975 forth in § 33.2-369;

976 2. Twenty and two-tenths percent of the remaining funds to the high-priority projects program
977 established pursuant to 33.2-370;

978 3. Twenty and two-tenths percent of the remaining funds to the highway construction district grant
979 program established pursuant to § 33.2-371;

980 4. Twenty and four-tenths percent to the Interstate Operations and Enhancement Program
981 established pursuant to § 33.2-372; and

982 5. Eight and eight-tenths percent to the Virginia Highway Safety Improvement Program
983 established pursuant to § 33.2-373.

D. The funds allocated in subsections A, B, and C shall not include the following funds: Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4), or any successor program, and state matching funds; Surface Transportation Block Grant set-aside for Transportation Alternatives pursuant to 23 U.S.C. § 213, or any successor program, and any state matching funds; and funds received pursuant to federal programs established by the federal government after June 30, 2020, with specific rules that include major restrictions on the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional or administrative classification or population, provided such funds are under the control of the Board.

§ 33.2-365. Allocation of proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.

The Board shall allocate, use, and distribute the proceeds of any bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 10 of § 33.2-1701, as follows:

1. A minimum of 20 percent of the bond proceeds shall be used for transit capital as further described in ~~subdivision A 4 c of § 58.1-638~~ § 33.2-1526.1:1.

2. A minimum of 4.3 percent of the bond proceeds shall be used for rail capital consistent with the provisions of §§ 33.2-1601 and 33.2-1602.

3. The remaining amount of bond proceeds shall be used for paying the costs incurred or to be incurred for construction of transportation projects with such bond proceeds used or allocated as follows:

(i) first, to match federal highway funds projected to be made available and allocated to highway and public transportation capital projects to the extent determined by the Board, for purposes of allowing additional state construction funds to be allocated pursuant to § 33.2-358; (ii) second, to provide any required funding to fulfill the Commonwealth's allocation of equivalent revenue sharing matching funds pursuant to § 33.2-357 to the extent determined by the Board; and (iii) third, to pay or fund the costs of statewide or regional projects throughout the Commonwealth. Costs incurred or to be incurred for construction or funding of these transportation projects shall include environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction, and related improvements; and any financing costs or other financing expenses relating to such bonds.

1011 Such costs may include the payment of interest on such bonds for a period during construction and not
1012 exceeding one year after completion of construction of the relevant project.

1013 4. The total amount of bonds authorized shall be used for purposes of applying the percentages in
1014 subdivisions 1, 2, and 3.

1015 **§ 33.2-372. Interstate Operations and Enhancement Program.**

1016 A. The Board shall establish an Interstate Operations and Enhancement Program (the Program) to
1017 improve the safety, reliability, and travel flow along interstate highway corridors in the Commonwealth.

1018 B. The Board may use funds in the program to address identified needs in the Statewide
1019 Transportation Plan pursuant to § 33.2-353 or an interstate corridor plan approved by the Board through
1020 (i) operational and transportation demand management strategies and (ii) other transportation
1021 improvements, strategies, or services.

1022 C. The Board, with the assistance of the Office of Intermodal Planning and Investment, shall
1023 establish a process to evaluate and prioritize potential strategies and improvements, with priority given
1024 first to operational and transportation demand management strategies that improve reliability and safety
1025 of travel.

1026 D. The Board may not use funds in this program to supplant existing levels of support as of July
1027 1, 2019, for existing operational and transportation demand management strategies.

1028 E. The Board shall distribute to the Interstate 81 Corridor Improvement Fund established pursuant
1029 to 33.2-3601 an amount equal to the revenues provided to the program multiplied by the ratio of the vehicle
1030 miles traveled on Interstate 81 by vehicles classified as Class 6 or higher by the Federal Highway
1031 Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by
1032 vehicles classified as Class 6 or higher.

1033 F. The Board shall distribute to the Northern Virginia Transportation Authority Fund established
1034 pursuant to § 33.2-2509 an amount equal to the revenues provided to the program multiplied by the ratio
1035 of vehicle miles traveled on interstate highways in Planning District 8 by vehicles classified as Class 6 or
1036 higher by the Federal Highway Administration to the total vehicles miles traveled on all interstate
1037 highways in the Commonwealth by vehicles classified as Class 6 or higher.

1038 G. For any interstate highway with more than 10 percent of total vehicle miles traveled by vehicles
1039 classified as Class 6 or higher by the Federal Highway Administration, the Board shall ensure that the
1040 total long-term expenditure for each interstate highway shall be approximately equal to the proportion of
1041 the total revenue deposited in the Fund attributable to each interstate highway based on such interstate
1042 highway's proportional share of interstate vehicle miles traveled by vehicles classified as Class 6 or higher.

1043 H. Starting in 2020, by December 15 of each year, the Board shall report to the Governor and the
1044 General Assembly on the status of the Interstate Operations and Enhancement Program. The report shall
1045 include, at a minimum, the following:

- 1046 1. The allocation of revenues for the Program;
1047 2. The current and projected performance of each interstate highway corridor; and
1048 3. The anticipated benefits of funded strategies, capital improvements, and services by the
1049 interstate highway.

1050 **§ 33.2-373. Virginia Highway Safety Improvement Program.**

1051 A. The Board shall establish a Highway Safety Improvement Program (the Program) to reduce
1052 motorized and nonmotorized fatalities and severe injuries on highways in the Commonwealth, whether
1053 such highways are state or locally maintained. The Board shall use funds set aside pursuant to § 33.2-358
1054 for this Program.

1055 B. Beginning in fiscal year 2024, the Board shall allocate the funds in accordance with its adopted
1056 investment strategy pursuant to subsection C as follows:

- 1057 1. At least 54 percent for infrastructure projects that address a hazardous road location or feature
1058 and address an identified highway safety problem;
1059 2. At least 29 percent for strategies and activities to address behavioral causes of crashes that result
1060 in fatalities and severe injuries; and
1061 3. The remaining amount for eligible purposes under this section pursuant to the investment
1062 strategy adopted pursuant to subsection C.

1063 C. The Board shall adopt an investment strategy to guide the investments of this Program. The
1064 strategy shall cover a period of at least five years and seek to achieve a significant reduction in the

anticipated number of fatalities and severe injuries over the covered period, and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency.

§ 33.2-374. Robert O. Norris Bridge and Statewide Special Structure Program.

A. For purposes of this section, "special structure" means very large, indispensable, and unique bridges and tunnels identified by the Commissioner, and approved by the Commonwealth Transportation Board.

B. The General Assembly declares it to be in the public interest that the maintenance, rehabilitation, and replacement of special structures in the Commonwealth occur timely as to provide and protect a safe and efficient highway system.

C. The Board shall establish a program for the maintenance, rehabilitation, and replacement of special structures in the Commonwealth. With the assistance of the Department of Transportation, the Board shall develop and maintain a plan for the maintenance, rehabilitation and replacement of special structures in the Commonwealth. The plan shall cover at a minimum a 30-year period and shall be updated biennially no later than November 1 of each even-numbered year.

D. The Board shall use the funds allocated in §§ 33.2-1524 and 33.2-1530 to the Robert O. Norris Bridge and Statewide Special Structure Fund pursuant to § 33.2-1532 for maintenance, reconstruction, and replacement of special structures to implement the plan developed pursuant to subsection C.

§ 33.2-1502. Creation of the Virginia Transportation Infrastructure Bank.

A. There is hereby created in the state treasury a special nonreverting, revolving loan fund, known as the Virginia Transportation Infrastructure Bank, that is a subfund of the Transportation Trust Fund established pursuant to ~~§ 33.2-1524~~ § 33.2-1524.1. The Bank shall be established on the books of the Comptroller. The Bank shall be capitalized with (i) ~~two-thirds of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund funds~~ pursuant to subdivision B 3 of ~~§ 33.2-1524~~ and (ii) moneys appropriated by the General Assembly and credited to the Bank. Disbursements from the Bank shall be made by the State Treasurer on warrants

1092 issued by the Comptroller upon written request signed by the Commissioner of Highways or his designee.
1093 Payments on project obligations and interest earned on the moneys in the Bank shall be credited to the
1094 Bank. Any moneys remaining in the Bank, including interest thereon, at the end of each fiscal year shall
1095 not revert to the general fund but shall remain in the Bank. Notwithstanding anything to the contrary set
1096 forth in this article or in the management agreement, the Board will have the right to determine the projects
1097 for which loans or other financial assistance may be provided by the Bank. Moneys in the Bank shall be
1098 used solely for the purposes enumerated in subsection C.

1099 B. The Board, the manager, and the Secretary of Finance are authorized to enter into a management
1100 agreement which may include provisions (i) setting forth the terms and conditions under which the
1101 manager will advise the Board on the financial propriety of providing particular loans or other financial
1102 assistance; (ii) setting forth the terms and conditions under which the substantive requirements of
1103 subsections C, D, and E and § 33.2-1505 will be applied and administered; and (iii) authorizing the
1104 manager to request the Board to disburse from the moneys in the Bank the reasonable costs and expenses
1105 the manager may incur in the management and administration of the Bank and a reasonable fee to be
1106 approved by the Board for the manager's management and administrative services.

1107 C. 1. Moneys deposited in the Bank shall be used for the purpose of making loans and other
1108 financial assistance to finance projects.

1109 2. Each project obligation shall be payable, in whole or in part, from reliable repayment sources
1110 pledged for such purpose.

1111 3. The interest rate on a project obligation shall be determined by reference to the current market
1112 rates for comparable obligations, the nature of the project and the financing structure therefor, and the
1113 creditworthiness of the eligible borrower and other project sponsors.

1114 4. The repayment schedule for each project obligation shall require (i) the amortization of principal
1115 beginning within five years following the later of substantial project completion or the date of incurrence
1116 of the project obligation and (ii) a final maturity date of not more than 35 years following substantial
1117 project completion.

1118 D. The pledge of reliable repayment sources and other property securing any project obligation
1119 may be subordinate to the pledge securing any other senior debt obligations incurred to finance the project.

1120 E. Notwithstanding subdivision C 4, the manager may at any time following substantial project
1121 completion defer payments on a project obligation if the project is unable to generate sufficient revenues
1122 to pay the scheduled payments.

1123 F. No loan or other financial assistance may be provided or committed to be provided by the Bank
1124 in a manner that would cause such loan or other financial assistance to be tax-supported debt within the
1125 meaning of § 2.2-2713 or be deemed to constitute a debt of the Commonwealth or a pledge of the full
1126 faith and credit of the Commonwealth but shall be payable solely from legally available moneys held by
1127 the Bank.

1128 G. Neither the Bank nor the manager is authorized or empowered to be or to constitute (i) a bank
1129 or trust company within the jurisdiction or under the control of the Commonwealth or an agency thereof
1130 or the Comptroller of Currency of the U.S. Treasury Department or (ii) a bank, banker, or dealer in
1131 securities within the meaning of, or subject to the provisions of, any securities, securities exchange, or
1132 securities dealers law of the United States or of the Commonwealth.

1133 H. The Board or the manager may establish or direct the establishment of federal and state accounts
1134 or subaccounts as may be necessary to meet any applicable federal law requirements or desirable for the
1135 efficient administration of the Bank in accordance with this article.

1136 **§ 33.2-1524. Commonwealth Transportation Fund.**

1137 A. There is hereby created in the Department of the Treasury a special nonreverting fund to be
1138 known as the ~~Commonwealth Transportation Trust Fund, consisting of~~ (the Fund). The Fund shall be
1139 established on the books of the Comptroller. Any moneys remaining in the Fund at the end of the year
1140 shall not revert to the general fund but shall remain in the Fund. The Fund shall consist of all funds
1141 appropriated to the Fund and all funds dedicated to the Fund pursuant to law, including:

1142 1. ~~Funds remaining for highway construction purposes among the highway systems pursuant to §~~
1143 33.2-358. Revenues pursuant to §§ 58.1-2289 and 58.1-2701;

1144 2. ~~The additional revenues generated by enactments of Chapters 11, 12, and 15 of the 1986 Acts~~
1145 ~~of Assembly, Special Session I, and designated for this fund.~~ Revenues pursuant to subsections A and G
1146 of § 58.1-638 and § 58.1-638.3;

1147 3. Tolls and other revenues derived from the projects financed or refinanced pursuant to this title
1148 that are payable into the state treasury and tolls and other revenues derived from other transportation
1149 projects, which may include upon the request of the applicable appointed local governing body, as soon
1150 as their obligations have been satisfied, such tolls and revenue derived for transportation projects pursuant
1151 to the Chesapeake Bay Bridge and Tunnel District and Commission established in Chapter 22 (§ 33.2-
1152 2200 et seq.) and to the Richmond Metropolitan Transportation Authority established in Chapter 29 (§
1153 33.2-2900 et seq.), or if the appointed local governing body requests refunding or advanced refunding by
1154 the Board and such refunding or advanced refunding is approved by the General Assembly. Such funds
1155 shall be held in separate subaccounts of the Commonwealth Transportation-~~Trust~~ Fund to the extent
1156 required by law or the Board;

1157 4. Revenues pursuant to § 58.1-2425;

1158 5. Revenues pursuant to subdivisions A 1 through A 12 of § 46.2-694, 46.2-694.1, 46.2-697, and
1159 46.2-697.2, except where provided elsewhere in such sections and excluding revenues deposited into a
1160 special fund for the Department of Motor Vehicles pursuant to § 46.2-686;

1161 6. Revenues pursuant to § 58.1-1741;

1162 7. Revenues pursuant to § 58.1-815.4;

1163 8. Revenues from § 58.1-2249;

1164 9. Such other funds as may be appropriated by the General Assembly from time to time and
1165 designated for the Commonwealth Transportation-~~Trust~~ Fund;

1166 ~~5-10.~~ All interest, dividends, and appreciation that may accrue to the Transportation Trust Fund
1167 established pursuant to § 33.2-1524.1 and the Highway Maintenance and Operating Fund- established
1168 pursuant to § 33.2-1530;

1169 ~~6-11.~~ All amounts required by contract to be paid over to the Commonwealth Transportation-~~Trust~~
1170 Fund;

1171 7-12. Concession payments paid to the Commonwealth by a private entity pursuant to the Public-
1172 Private Transportation Act of 1995 (§ 33.2-1800 et seq.); and

1173 13. Revenues pursuant to § 58.1-2531.

1174 B. Funds in the Fund shall be distributed as follows:

1175 1. Of the funds from subdivisions A 1, 2, 4 through 8, and 13: (i) 51.24 percent to the Highway
1176 Maintenance and Operating Fund established pursuant to § 33.2-1530 and (ii) 48.76 percent to the
1177 Transportation Trust Fund established pursuant to § 33.2- 1524.1;

1178 2. The funds from subdivision A 3 and 12 shall be deposited into the Transportation Trust Fund
1179 established pursuant to § 33.2- 1524.1;

1180 3. Of the funds from subdivision A 10: (i) two-thirds shall be deposited in the Virginia
1181 Transportation Infrastructure Bank established pursuant to Article 1 (§ 33.2-1500 et seq.) and (ii) one-
1182 third shall be deposited into the Transportation Partnership Opportunity Fund established pursuant to §
1183 33.2-1529.1.

1184 C. Prior to the distribution of funds pursuant to subsection B, (i) \$40 million annually shall be
1185 deposited into the Route 58 Corridor Development Fund pursuant to § 33.2-2300, (ii) \$20 million annually
1186 shall be deposited into the Northern Virginia Transportation District Fund pursuant to § 33.2-2400, and
1187 (iii) \$85 million annually shall be deposited into the Robert O. Norris Bridge and Statewide Special
1188 Structures Fund pursuant to § 33.2-1532, though the amount deposited shall be adjusted annually based
1189 on the change in the consumer price index for all urban consumers.

1190 **§ 33.2-1524.1. Transportation Trust Fund.**

1191 There is hereby created in the Department of Treasury a special nonreverting fund to be known as
1192 the Transportation Trust Fund, consisting of funds distributed from the Commonwealth Transportation
1193 Fund pursuant to § 33.2-1524. The revenues deposited pursuant to subdivision B 1 of § 33.2-1524 shall
1194 be distributed as follows:

1195 1. For construction programs pursuant to § 33.2-358, 54.90 percent;

1196 2. To the Commonwealth Mass Transit Fund established pursuant to § 33.2-1526, 22.20 percent;

1197 3. To the Commonwealth Rail Fund established pursuant to § 33.2-1526.2, 5.72 percent;

1198 4. To the Commonwealth Port Fund established pursuant to § 33.2-1526.3, 2.45 percent;

1199 5. To the Commonwealth Aviation Fund established pursuant to § 33.2-1526.4, 1.35 percent;

1200 6. To the Commonwealth Space Flight Fund established pursuant to § 33.2-1526.5, 0.80 percent;

1201 7. To the Priority Transportation Fund established pursuant to § 33.2-1527, 12.15 percent; and

1202 8. To a special fund within the Commonwealth Transportation Fund in the state treasury, 0.43

1203 percent to be used to meet the necessary expenses of the Department of Motor Vehicles.

1204 **§ 33.2-1524.2. Transitional provisions for the Commonwealth Transportation Fund and the**
1205 **Transportation Trust Fund.**

1206 A. Notwithstanding the provisions of subsection B of § 33.2-1524, in fiscal year 2021 the funds
1207 shall be distributed as follows:

1208 1. Of the funds from subdivisions A 1, 2, 4 through 9, and 14 of § 33.2-1524: (i) 53.95 percent to
1209 the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 and (ii) 46.05 percent
1210 to the Transportation Trust Fund established pursuant to § 33.2- 1524.1;

1211 2. The funds from subdivisions A 3 and 13 of § 33.2-1524 shall be deposited into the
1212 Transportation Trust Fund established pursuant to § 33.2- 1524.1;

1213 3. Of the funds from subdivision A 11 of § 33.2-1524: (i) two-thirds shall be deposited in the
1214 Virginia Transportation Infrastructure Bank established pursuant to Article 1 (§ 33.2-1500 et seq.) and (ii)
1215 one-third shall be deposited into the Transportation Partnership Opportunity Fund established pursuant to
1216 § 33.2-1529.1.

1217 B. Notwithstanding the provisions of subsection B of § 33.2-1524, in fiscal year 2022 the funds
1218 shall be distributed as follows:

1219 1. Of the funds from subdivisions A 1, 2, 4 through 9, and 14 of § 33.2-1524: (i) 52.86 percent to
1220 the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 and (ii) 47.14 percent
1221 to the Transportation Trust Fund established pursuant to § 33.2- 1524.1;

1222 2. The funds from subdivisions A 3 and 13 of § 33.2-1524 shall be deposited into the
1223 Transportation Trust Fund established pursuant to § 33.2- 1524.1;

1224 3. Of the funds from subdivision A 11 of § 33.2-1524: (i) two-thirds shall be deposited in the
1225 Virginia Transportation Infrastructure Bank established pursuant to Article 1 (§ 33.2-1500 et seq.) and (ii)
1226 one-third shall be deposited into the Transportation Partnership Opportunity Fund established pursuant to
1227 § 33.2-1529.1.

1228 C. Notwithstanding the provisions of subsection B of § 33.2-1524, in fiscal year 2023 the funds
1229 shall be distributed as follows:

1230 1. Of the funds from subdivisions A 1, 2, 4 through 9, and 14 of § 33.2-1524: (i) 51.86 percent to
1231 the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530 and (ii) 48.14 percent
1232 to the Transportation Trust Fund established pursuant to § 33.2- 1524.1;

1233 2. The funds from subdivisions A 3 and 13 of § 33.2-1524 shall be deposited into the
1234 Transportation Trust Fund established pursuant to § 33.2- 1524.1;

1235 3. Of the funds from subdivision A 11 of § 33.2-1524: (i) two-thirds shall be deposited in the
1236 Virginia Transportation Infrastructure Bank established pursuant to Article 1 (§ 33.2-1500 et seq.) and (ii)
1237 one-third shall be deposited into the Transportation Partnership Opportunity Fund established pursuant to
1238 § 33.2-1529.1.

1239 D. 1. Prior to the distribution of funds pursuant to subsection A in fiscal year 2021, (i) \$40 million
1240 shall be deposited into the Route 58 Corridor Development Fund pursuant to § 33.2-2300, (ii) \$20 million
1241 shall be deposited into the Northern Virginia Transportation District Fund pursuant to § 33.2-2400, and
1242 (iii) \$20 million shall be deposited into the Robert O. Norris Bridge and Statewide Special Structures Fund
1243 pursuant to § 33.2-1532.

1244 2. Prior to the distribution of funds pursuant to subsection A in fiscal year 2022, (i) \$40 million
1245 shall be deposited into the Route 58 Corridor Development Fund pursuant to § 33.2-2300, (ii) \$20 million
1246 shall be deposited into the Northern Virginia Transportation District Fund pursuant to § 33.2-2400, and
1247 (iii) \$20 million shall be deposited into the Robert O. Norris Bridge and Statewide Special Structures Fund
1248 pursuant to § 33.2-1532.

1249 3. Prior to the distribution of funds pursuant to subsection A in fiscal year 2023, (i) \$40 million
1250 shall be deposited into the Route 58 Corridor Development Fund pursuant to § 33.2-2300, (ii) \$20 million

1251 shall be deposited into the Northern Virginia Transportation District Fund pursuant to § 33.2-2400, and
1252 (iii) \$80 million shall be deposited into the Robert O. Norris Bridge and Statewide Special Structures Fund
1253 pursuant to § 33.2-1532.

1254 E. Notwithstanding the provisions of subsection B of § 33.2-1524.1, the revenues deposited into
1255 the Transportation Trust Fund pursuant to subdivision B 2 of § 33.2-1524 shall be distributed in fiscal
1256 year 2021 as follows:

- 1257 1. For construction programs pursuant to § 33.2-358, 54.86 percent;
- 1258 2. To the Commonwealth Mass Transit Fund established pursuant to § 33.2-1526, 21.41 percent;
- 1259 3. To the Commonwealth Rail Fund established pursuant to § 33.2-1526.2, 5.51 percent;
- 1260 4. To the Commonwealth Port Fund established pursuant to § 33.2-1526.3, 2.66 percent;
- 1261 5. To the Commonwealth Aviation Fund established pursuant to § 33.2-1526.4, 1.48 percent;
- 1262 6. To the Commonwealth Space Flight Fund established pursuant to § 33.2-1526.5, 0.90 percent;
- 1263 7. To the Priority Transportation Fund established pursuant to § 33.2-1527, 12.69 percent; and
- 1264 8. To a special fund within the Commonwealth Transportation Fund in the state treasury, 0.49
1265 percent to be used to meet the necessary expenses of the Department of Motor Vehicles.

1266 F. Notwithstanding the provisions of subsection B of § 33.2-1524.1, the revenues deposited into
1267 the Transportation Trust Fund pursuant to subdivision B 2 of § 33.2-1524 shall be distributed in fiscal
1268 year 2022 as follows:

- 1269 1. For construction programs pursuant to § 33.2-358, 55.89 percent;
- 1270 2. To the Commonwealth Mass Transit Fund established pursuant to § 33.2-1526, 21.09 percent;
- 1271 3. To the Commonwealth Rail Fund established pursuant to § 33.2-1526.2, 5.28 percent;
- 1272 4. To the Commonwealth Port Fund established pursuant to § 33.2-1526.3, 2.55 percent;
- 1273 5. To the Commonwealth Aviation Fund established pursuant to § 33.2-1526.4, 1.42 percent;
- 1274 6. To the Commonwealth Space Flight Fund established pursuant to § 33.2-1526.5, 0.85 percent;
- 1275 7. To the Priority Transportation Fund established pursuant to § 33.2-1527, 12.47 percent; and
- 1276 8. To a special fund within the Commonwealth Transportation Fund in the state treasury, 0.46
1277 percent to be used to meet the necessary expenses of the Department of Motor Vehicles.

1278 G. Notwithstanding the provisions of subsection B of § 33.2-1524.1, the revenues deposited into
1279 the Transportation Trust Fund pursuant to subdivision B 2 of § 33.2-1524 shall be distributed in fiscal
1280 year 2023 as follows:

- 1281 1. For construction programs pursuant to § 33.2-358, 55.51 percent;
- 1282 2. To the Commonwealth Mass Transit Fund established pursuant to § 33.2-1526, 22.23 percent;
- 1283 3. To the Commonwealth Rail Fund established pursuant to § 33.2-1526.2, 5.08 percent;
- 1284 4. To the Commonwealth Port Fund established pursuant to § 33.2-1526.3, 2.44 percent;
- 1285 5. To the Commonwealth Aviation Fund established pursuant to § 33.2-1526.4, 1.37 percent;
- 1286 6. To the Commonwealth Space Flight Fund established pursuant to § 33.2-1526.5, 0.81 percent;
- 1287 7. To the Priority Transportation Fund established pursuant to § 33.2-1527, 12.13 percent; and
- 1288 8. To a special fund within the Commonwealth Transportation Fund in the state treasury, 0.43
1289 percent to be used to meet the necessary expenses of the Department of Motor Vehicles.

1290 **§ 33.2-1526. Commonwealth Mass Transit Fund.**

1291 ~~Of the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-~~
1292 ~~1524, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as established in~~
1293 ~~subdivision A 2 of § 58.1-638; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport~~
1294 ~~Fund as established in subdivision A 3 of § 58.1-638; and an aggregate of 14.7 percent shall be set aside~~
1295 ~~as the Commonwealth Mass Transit Fund as established in subdivision A 4 of § 58.1-638. Beginning with~~
1296 ~~the Commonwealth's 2012-2013 fiscal year through the Commonwealth's 2023-2024 fiscal year, each~~
1297 ~~fiscal year from the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of §~~
1298 ~~33.2-1524 the Comptroller shall transfer \$15.8 million to the Commonwealth Space Flight Fund as~~
1299 ~~established in subdivision A 3a of § 58.1-638. The remaining funds deposited into or held in the~~
1300 ~~Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, together with funds deposited~~
1301 ~~pursuant to subdivisions 1 and 4 of § 33.2-1524, shall be expended for capital improvements, including~~
1302 ~~construction, reconstruction, maintenance, and improvements of highways according to the provisions of~~
1303 ~~subsection C or D of § 33.2-358 or to secure bonds issued for such purposes, as provided by the Board~~
1304 ~~and the General Assembly.~~

1305 A. There is hereby created in the State Treasury a special nonreverting fund that shall be a part of
1306 the Transportation Trust Fund and shall be known as the Commonwealth Mass Transit Fund (the Fund).
1307 The Fund shall be established on the books of the Comptroller and any funds remaining in the Fund at the
1308 end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on
1309 such funds shall be credited to the Fund.

1310 B. The amounts allocated to the Fund pursuant to § 33.2-1526.1 shall be used to support the
1311 operating, capital, and administrative costs of public transportation at a state share determined by the
1312 Board, and such amounts may be used to support the capital project costs of public transportation and
1313 ridesharing equipment, facilities, and associated costs at a state share determined by the Board. Capital
1314 costs may include debt service payments on local or agency transit bonds.

1315 **§ 33.2-1526.1. Use of the Commonwealth Mass Transit Fund.**

1316 A. All funds deposited pursuant to ~~§§ 58.1-638, 58.1-638.3, 58.1-815.4, and 58.1-2289~~ § 33.2-
1317 1524.1 into the Commonwealth Mass Transit Fund (the Fund), established pursuant to ~~subdivision A 4 of~~
1318 ~~§ 58.1-638~~ § 33.2-1526, shall be allocated as set forth in this section.

1319 B. Prior to the distribution of funds in subsection D, (i) in fiscal year 2021, \$16 million, (ii) in
1320 fiscal year 2022, \$34 million, and (iii) beginning in fiscal year 2023, \$50 million shall be allocated to the
1321 Washington Metropolitan Area Transit Authority as matching funds to federal and other funds provided
1322 by the Federal Transit Administration, the District of Columbia, and the State of Maryland. However,
1323 such funds shall only be provided if the District of Columbia and the State of Maryland each provide at
1324 least \$50 million, and the Federal Transit Administration provides \$150 million to the Washington
1325 Metropolitan Area Transit Authority.

1326 C. The Board may establish policies for the implementation of this section, including the
1327 determination of the state share of operating, capital, and administrative costs related to mass transit. For
1328 purposes of this section, capital costs may include debt service payments on local or agency transit bonds.
1329 Funds may be paid to any local governing body, transportation district commission, or public service
1330 corporation for the purposes as set forth in this section. No funds from the Fund shall be allocated without
1331 a local match from the recipient.

1332 ~~C. D.~~ Each year the Director of the Department of Rail and Public Transportation shall make
1333 recommendations to the Board for the allocation of funds from the Fund. Such recommendations, and the
1334 final allocations approved by the Board, shall adhere to the following:

1335 1. ~~Thirty-one~~ Twenty-seven percent of the funds shall be allocated to support operating costs of
1336 transit providers and shall be distributed by the Board on the basis of service delivery factors, based on
1337 effectiveness and efficiency as established by the Board. Such measures and their relative weight shall be
1338 evaluated every three years and, if redefined by the Board, shall be published and made available for
1339 public comment at least one year in advance of being applied. The Washington Metropolitan Area Transit
1340 Authority (WMATA) shall not be eligible for an allocation of funds pursuant to this subdivision.

1341 2. ~~Twelve and one-half~~ Seventeen and seven-tenths percent of the funds shall be allocated for
1342 capital purposes and distributed utilizing the transit capital prioritization process established by the Board
1343 pursuant to § 33.2-214.4. The Washington Metropolitan Area Transit Authority shall not be eligible for
1344 an allocation of funds pursuant to this subdivision.

1345 3. ~~Fifty-three~~ Forty-six and one-half six-tenths percent of the funds shall be allocated to the
1346 Northern Virginia Transportation Commission for distribution to WMATA for capital purposes and
1347 operating assistance, as determined by the Commission.

1348 4. Six and three-tenths percent of the funds shall be allocated by the Board for the Transit Incentive
1349 Program established pursuant to § 33.2-1526.1:2.

1350 ~~Three~~ 5. Two and four-tenths percent of the funds shall be allocated for special programs, including
1351 ridesharing, transportation demand management programs, experimental transit, public transportation
1352 promotion, operation studies, and technical assistance, and may be allocated to any local governing body,
1353 planning district commission, transportation district commission, or public transit corporation. Remaining
1354 funds may also be used directly by the Department of Rail and Public Transportation to (i) finance a
1355 program administered by the Department of Rail and Public Transportation designed to promote the use
1356 of public transportation and ridesharing throughout the Commonwealth or (ii) finance up to 80 percent of
1357 the cost of development and implementation of projects with a purpose of enhancing the provision and
1358 use of public transportation services.

1359 ~~D.~~E. The Board may consider the transfer of funds from subdivisions ~~€ D~~ 2 and 4 5 to subdivision
1360 € D 1 in times of statewide economic distress or statewide special need.

1361 ~~E.~~F. The Department of Rail and Public Transportation may reserve a balance of up to five percent
1362 of the Fund revenues in order to ensure stability in providing operating and capital funding to transit
1363 entities from year to year, provided that such balance shall not exceed five percent of revenues in a given
1364 biennium.

1365 ~~F.~~G. The Board may allocate up to 3.5 percent of the funds set aside for the Fund to support costs
1366 of project development, project administration, and project compliance incurred by the Department of
1367 Rail and Public Transportation in implementing rail, public transportation, and congestion management
1368 grants and programs.

1369 ~~G.~~H. Funds allocated to the Northern Virginia Transportation Commission (NVTC) for WMATA
1370 pursuant to subdivision ~~€ D~~ 3 shall be credited to the Counties of Arlington and Fairfax and the Cities of
1371 Alexandria, Fairfax, and Falls Church. Beginning in the fiscal year when service starts on Phase II of the
1372 Silver Line, such funds shall also be credited to Loudoun County. Funds allocated pursuant to this
1373 subsection shall be credited as follows:

1374 1. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality
1375 using WMATA's capital formula shall be paid first by NVTC, which shall use 95 percent state aid for
1376 these payments.

1377 2. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the
1378 related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall
1379 include 20 percent of annual local bus capital expenses. Local transit subsidies and local capital costs of
1380 Loudoun County shall not be included. Hold harmless protections and obligations for NVTC's
1381 jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

1382 ~~H.~~I. Appropriations from the Fund are intended to provide a stable and reliable source of revenue,
1383 as defined by P.L. 96-184.

1384 ~~F. J.~~ Notwithstanding any other provision of law, funds allocated to WMATA may be disbursed
1385 by the Department of Rail and Public Transportation directly to WMATA or to any other transportation
1386 entity that has an agreement to provide funding to WMATA.

1387 ~~F. K.~~ In any year that the total Virginia operating assistance in the approved WMATA budget
1388 increases by more than 3 percent from the total operating assistance in the prior year's approved WMATA
1389 budget, the Board shall withhold an amount equal to 35 percent of the funds available under subdivision
1390 ~~€ D~~ 3. The following items shall not be included in the calculation of any WMATA budget increase: (i)
1391 any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital
1392 project approved by the WMATA Board before or after the effective date of this provision; and (iii) any
1393 payments or obligations of any kind arising from or related to legal disputes or proceedings between or
1394 among WMATA and any other person or entity.

1395 ~~K. L.~~ The Board shall withhold 20 percent of the funds available pursuant to subdivision-~~€ D~~ 3 if
1396 (i) any alternate directors participate or take action at an official WMATA Board meeting or committee
1397 meeting as Board directors for a WMATA compact member when both directors appointed by that same
1398 WMATA compact member are present at the WMATA Board meeting or committee meeting or (ii) the
1399 WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate
1400 directors.

1401 **§ 33.2-1526.1:1. Commonwealth Transit Capital Fund.**

1402 A. There is hereby created in the Department of the Treasury a special nonreverting fund known
1403 as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be a
1404 subaccount of the Commonwealth Mass Transit Fund.

1405 B. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the
1406 Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all
1407 donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise
1408 made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth
1409 Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the

1410 Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital
1411 Fund shall remain in and be credited to the Commonwealth Transit Capital Fund.

1412 C. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision,
1413 another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-
1414 1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of
1415 Rail and Public Transportation for the purposes specified in this subsection. Revenues of the
1416 Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the
1417 establishment, improvement, or expansion of public transportation services through specific projects
1418 approved by the Commonwealth Transportation Board.

1419 D. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match
1420 from the recipient.

1421 **§ 33.2-1526.1:2. Transit Incentive Program.**

1422 A. The Board shall establish a Transit Incentive Program to promote improved transit service in
1423 urbanized areas of the Commonwealth with a population in excess of 200,000 and to reduce barriers to
1424 transit use for low-income individuals.

1425 B. The goal of the program shall be to encourage the identification and establishment of routes of
1426 regional significance, the development and implementation of a regional subsidy allocation model,
1427 implementation of integrated fare collection, establishment of bus-only lanes on routes of regional
1428 significance, and other actions and service determined by the Board to improve transit service.

1429 C. The Board shall establish guidelines for the implementation this program and review such
1430 guidelines, at a minimum, every five years. The funds in the Program shall be awarded such that on a five-
1431 year rolling average, the amount of funds awarded to each urbanized area shall be equal to a ratio of the
1432 population within the Commonwealth of such urbanized area compared to the total population within in
1433 the Commonwealth of all eligible urbanized areas. The Board may through an affirmative vote of a
1434 majority of the members vote to waive this requirement for a period not to exceed two years when they
1435 find there is a need that justifies such waiver.

D. To be eligible for funds available in this program, the transit agency shall either (i) be operated by a transportation district or jointly by two or more transportation districts established pursuant to Chapter 19 (§ 33.2-1900 et seq.) or (ii) be operated or funded by a local government that is a member of a transportation district established pursuant to Chapter 19.

E. Notwithstanding the provisions of this section, the Board shall use an amount not to exceed 25 percent of the funds available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares. The restrictions in subsection A shall not apply to funds used pursuant to this subsection.

F. The Board shall report annually to the Governor and the General Assembly on the projects and services funded by the Program. The report shall, at a minimum, include an analysis of the performance of the funded projects, the performance of the identified routes of regional significance, transit ridership, efforts funded pursuant to subsection E, and any other information the Board determines to be appropriate.

§ 33.2-1526.1:3. Transitional provisions for the distribution of Commonwealth Mass Transit Funds.

A. Notwithstanding the provisions of subsection C of § 33.2-1526.1, the distribution of funds in the Commonwealth Mass Transit Fund pursuant to § 33.2-1526 in fiscal year 2021 shall be as follows:

1. Twenty-seven and seven-tenths percent for the purposes of subdivision D 1 of § 33.2-1526.1;
2. Seventeen and one-tenth percent for the purposes of subdivision D 2 of § 33.2-1526.1;
3. Forty-seven and seven-tenths percent for the purposes of subdivision D 3 of § 33.2-1526.1;
4. Five percent for the purposes of subdivision D 4 of § 33.2-1526.1; and
5. Two and six-tenths percent for the purposes of subdivision D 5 of § 33.2-1526.1.

B. Notwithstanding the provisions of subsection D of § 33.2-1526.1, the distribution of funds in the Commonwealth Mass Transit Fund pursuant to § 33.2-1526 in fiscal year 2022 shall be as follows:

1. Twenty-nine and one-tenth percent for the purposes of subdivision D 1 of § 33.2-1526.1;
2. Fifteen and four-tenths percent for the purposes of subdivision D 2 of § 33.2-1526.1;
3. Fifty and one-tenth percent for the purposes of subdivision D 3 of § 33.2-1526.1;
4. Two and eight-tenths percent for the purposes of subdivision D 4 of § 33.2-1526.1; and

1463 5. Two and eight-tenths percent for the purposes of subdivision D 5 of § 33.2-1526.1.

1464 C. Notwithstanding the provisions of subsection D of § 33.2-1526.1, the distribution of funds in
1465 the Commonwealth Mass Transit Fund pursuant to § 33.2-1526 in fiscal year 2023 shall be as follows:

1466 1. Twenty-six and eight-tenths percent for the purposes of subdivision D 1 of § 33.2-1526.1;

1467 2. Nineteen and three-tenths percent for the purposes of subdivision D 2 of § 33.2-1526.1;

1468 3. Forty-six and three-tenths percent for the purposes of subdivision D 3 of § 33.2-1526.1;

1469 4. Five and two-tenths percent for the purposes of subdivision D 4 of § 33.2-1526.1; and

1470 5. Two and four-tenths percent for the purposes of subdivision D 5 of § 33.2-1526.1.

1471 **§ 33.2-1526.2. Commonwealth Rail Fund.**

1472 A. The General Assembly declares it to be in the public interest that developing and continuing
1473 intercity passenger and freight rail operations and the development of rail infrastructure, rolling stock, and
1474 support facilities to support intercity passenger and freight rail service are important elements of a
1475 balanced transportation system in the Commonwealth and further declares it to be in the public interest
1476 that the retention, maintenance, improvement, and development of intercity passenger and freight rail-
1477 related infrastructure improvements and operations are essential to the Commonwealth's continued
1478 economic growth, vitality, and competitiveness in national and world markets.

1479 B. There is hereby established in the state treasury a special nonreverting fund to be known as the
1480 Commonwealth Rail Fund (the Fund). The Fund shall be established on the books of the Comptroller and
1481 shall consist of funds dedicated pursuant to subsection A 3 of § 33.2-1524.1. Interest earned on moneys
1482 in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including
1483 interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the
1484 Fund. Moneys in the Fund shall be used solely as provided in this section.

1485 C. The amounts dedicated to the Fund pursuant to § 33.2-1524.1 shall be deposited monthly by
1486 the Comptroller into the Fund. Thereafter, 91.5 percent shall be distributed to the Virginia Passenger Rail
1487 Authority as soon as practicable for use in accordance with the provisions of Article 6 (§ 33.2-290 et seq.)
1488 of Chapter 2. The remaining 8.5 percent shall remain in the Fund for the Department of Rail and Public
1489 Transportation for planning purposes and for grants for rail projects not administered by the Virginia

1490 Passenger Rail Authority. The Department may use up to \$4 million for the purposes of the Shortline
1491 Railway Preservation and Development Fund pursuant to § 33.2-1602.

1492 **§ 33.2-1526.3. Commonwealth Port Fund.**

1493 A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall
1494 be a part of the Transportation Trust Fund and shall be known as the Commonwealth Port Fund (the Fund).

1495 B. The Fund shall be established on the books of the Comptroller and the funds remaining in such
1496 Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest
1497 earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority,
1498 locality, or commission for the purposes hereinafter specified.

1499 C. The amounts allocated pursuant to this section shall be allocated by the Board to the Board of
1500 Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation
1501 of existing capital needs of all ocean, river, or tributary ports within the Commonwealth. Expenditures for
1502 such capital needs are restricted to those capital projects specified in subsection B of § 62.1-132.1.

1503 D. Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority
1504 in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including
1505 but not limited to the ports of Richmond, Hopewell, and Alexandria.

1506 **§ 33.2-1526.4. Commonwealth Aviation Fund.**

1507 A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall
1508 be part of the Transportation Trust Fund and shall be known as the Commonwealth Aviation Fund (the
1509 Fund). The Fund shall be established on the books of the Comptroller and any funds remaining in the
1510 Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest
1511 earned on the funds shall be credited to the Fund. The funds shall be allocated by the Board to the Virginia
1512 Aviation Board, to be allocated by the Virginia Aviation Board to any Virginia airport that is owned by
1513 the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access
1514 for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports
1515 Authority (MWAA), as follows:

1516 B. Any new funds in excess of \$12.1 million that are available for allocation by the Virginia
1517 Aviation Board shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of
1518 \$2 million, and 40 percent to air carrier airports as provided in subdivision 1. Except for adjustments due
1519 to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less
1520 funds identified under subdivision 1 than it received in fiscal year 1994–1995.

1521 Of the remaining amount:

1522 1. Forty percent of the funds shall be allocated to air carrier airports that are not airports owned or
1523 leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at
1524 all air carrier airports that are not airports owned or leased by MWAA. No air carrier airport sponsor shall
1525 receive less than \$50,000 nor more than \$2 million per year from this provision.

1526 2. Sixty percent of the funds shall be allocated as follows:

1527 a. For the first six months of each fiscal year, the funds shall be allocated as follows:

1528 (1) Forty percent of the funds shall be allocated by the Virginia Aviation Board for air carrier and
1529 reliever airports on a discretionary basis, except airports owned or leased by MWAA; and

1530 (2) Twenty percent of the funds shall be allocated by the Virginia Aviation Board for general
1531 aviation airports on a discretionary basis; and

1532 b. For the second six months of each fiscal year, all remaining funds shall be allocated by the
1533 Virginia Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased
1534 by MWAA.

1535 C. The Virginia Aviation Board may use up to \$1 million in revenues in the Fund each year to
1536 support the development of additional commercial air services in the Commonwealth provided such
1537 service advances the goals established in the most recently adopted commercial air service plan pursuant
1538 to § 5.1-2.16. Prior to the use of funds pursuant to this subsection, the Virginia Aviation Board shall certify
1539 that the use of such funds cannot reasonably be anticipated to result in the reduction in commercial air
1540 service at another airport located within the Commonwealth.

1541 **§ 33.2-1526.5. Commonwealth Space Flight Fund.**

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Commonwealth Transportation Fund and that shall be known as the Commonwealth Space Flight Fund (the Fund). The Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

B. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1524 shall be allocated by the Board to the Board of Directors of the Virginia Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

C. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial space flight industry in Virginia.

§ 33.2-1527. Priority Transportation Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Priority Transportation Fund, ~~hereafter referred to as "~~(the Fund)." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be paid into the state treasury and credited to the Fund. Such funds shall include:

1. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating Fund established in § 33.2-1530 and (ii) the allocation to highway and mass transit improvement projects as set forth in ~~§ 33.2-1526~~ § 33.2-1524.1, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth Airport Fund under such section;

2. All revenues deposited into the Fund pursuant to ~~§ 58.1-2534~~ subdivision A 7 of § 33.2-1524.1;

3. All revenues deposited into the Fund pursuant to ~~subsection E of § 58.1-2289~~ § 33.2-226; and

4. Any other such funds as may be transferred, allocated, or appropriated.

1568 All moneys in the Fund shall first be used for debt service payments on bonds or obligations for
1569 which the Fund is expressly required for making debt service payments, to the extent needed. The Fund
1570 shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the Fund, including
1571 interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the
1572 Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection B. Expenditures
1573 and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the
1574 Comptroller.

1575 B. The Board shall use the Fund to facilitate the financing of priority transportation projects
1576 throughout the Commonwealth. The Board may use the Fund by (i) expending amounts therein on such
1577 projects directly; (ii) payment to any authority, locality, commission, or other entity for the purpose of
1578 paying the costs thereof; or (iii) using such amounts to support, secure, or leverage financing for such
1579 projects. No expenditures from or other use of amounts in the Fund shall be considered in allocating
1580 highway maintenance and construction funds under § 33.2-358 or apportioning Transportation Trust Fund
1581 funds under § 58.1-638 but shall be in addition thereto. The Board shall use the Fund to facilitate the
1582 financing of priority transportation projects as designated by the General Assembly, provided that at the
1583 discretion of the Board funds allocated to projects within a transportation district may be allocated among
1584 projects within the same transportation district as needed to meet construction cash-flow needs.

1585 C. Notwithstanding any other provision of this section, beginning July 1, 2007, no bonds,
1586 obligations, or other evidences of debt (the bonds) that expressly require as a source for debt service
1587 payments or for the repayment of such bonds the revenues of the Fund shall be issued or entered into,
1588 unless at the time of the issuance the revenues then in the Fund or reasonably anticipated to be deposited
1589 into the Fund pursuant to the law then in effect are by themselves sufficient to make 100 percent of the
1590 contractually required debt service payments on all such bonds, including any interest related thereto and
1591 the retirement of such bonds.

1592 **§ 33.2-1528. Concession Payments Account.**

1593 A. Concession payments to the Commonwealth deposited into the Transportation Trust Fund
1594 pursuant to subdivision ~~7~~ B 2 of § 33.2-1524 from qualifying transportation facilities developed and/or

1595 operated pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) shall be held in
1596 a separate subaccount to be designated the Concession Payments Account, (the Account) together with all
1597 interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically
1598 directed by law or reserved by the Board for other purposes allowed by law.

1599 B. The Board may make allocations from the Account upon such terms and subject to such
1600 conditions as the Board deems appropriate to:

1601 1. Pay or finance all or part of the costs of programs or projects, including the costs of planning,
1602 operation, maintenance, and improvements incurred in connection with the acquisition and construction
1603 of projects, provided that allocations from the Account shall be limited to programs and projects that are
1604 reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a
1605 concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.). The priorities
1606 of metropolitan planning organizations, planning district commissions, local governments, and
1607 transportation corridors shall be considered by the Board in making project allocations from moneys in
1608 the Account.

1609 2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership
1610 Opportunity Fund.

1611 3. Pay the Board's reasonable costs and expenses incurred in the administration and management
1612 of the Account.

1613 C. Concession payments to the Commonwealth for a qualifying transportation facility located
1614 within the boundaries of a rapid rail project for which a federal Record of Decision has been issued shall
1615 be held in a subaccount separate from the Concession Payments Account together with all interest,
1616 dividends, and appreciation that accrue to the subaccount. The Board may make allocations from the
1617 subaccount as the Board deems appropriate to:

1618 1. Pay or finance all or part of the costs of planning, design, land acquisition, and improvements
1619 incurred in connection with the construction of such rapid rail project consistent with the issued federal
1620 Record of Decision, as may be revised; and

2. Upon determination by the Board that sufficient funds are or will be available to meet the schedule for construction of such rapid rail project, pay or finance all or part of the costs of planning, design, land acquisition, and improvements incurred in connection with other highway and public transportation projects within the corridor of the rapid rail project or within the boundaries of the qualifying transportation facility. In the case of highway projects, the Board shall follow an approval process generally in accordance with subsection B of § 33.2-208.

D. The provisions of this section shall be liberally construed to the end that its beneficial purposes may be effectuated. Insofar as this provision is inconsistent with the provisions of any other general, special, or local law, this provision shall be controlling.

§ 33.2-1529.1. Transportation Partnership Opportunity Fund.

A. There is hereby created the Transportation Partnership Opportunity Fund (the Fund) to be used by the Governor to provide funds to address the transportation aspects of economic development opportunities. The Fund shall consist of (i) ~~one-third of all interest, dividends, and appreciation that may accrue to the Transportation Trust Fund and the Highway Maintenance and Operating Fund funds pursuant to subdivision B 3 of § 33.2-1524~~ and (ii) any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. All interest and dividends that are earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation as funds are awarded in accordance with this section.

B. The Fund shall be a subfund of the Transportation Trust Fund. Provisions of this title and Title 58.1 relating to the allocations or disbursements of proceeds of the Commonwealth Transportation Fund, the Transportation Trust Fund, or the Highway Maintenance and Operating Fund shall not apply to the Fund.

C. Funds shall be awarded from the Fund by the Governor as grants, revolving loans, or other financing tools and equity contributions to an agency or political subdivision of the Commonwealth. Loans

1648 shall be approved by the Governor and made in accordance with procedures established by the Board and
1649 approved by the Comptroller. Loans shall be interest-free and shall be repaid to the Fund. The Governor
1650 may establish the duration of any loan, but such term shall not exceed seven years. The Department shall
1651 be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller
1652 as required.

1653 D. Grants or revolving loans may be used for transportation capacity development on and off site;
1654 road, rail, mass transit, or other transportation access costs beyond the funding capability of existing
1655 programs; studies of transportation projects, including environmental analysis, geotechnical assessment,
1656 survey, design and engineering, advance right-of-way acquisition, traffic analysis, toll sensitivity studies,
1657 and financial analysis; or anything else permitted by law. Funds may be used for any transportation project
1658 or any transportation facility. Any transportation infrastructure completed with moneys from the Fund
1659 shall not become private property, and the results of any studies or analysis completed as a result of a
1660 grant or loan from the Fund shall be property of the Commonwealth.

1661 E. The Board, in consultation with the Secretary of Transportation and the Secretary of Commerce
1662 and Trade, shall develop guidelines and criteria that shall be used in awarding grants or making loans from
1663 the Fund; however, no grant shall exceed \$5 million and no loan shall exceed \$30 million. No grant or
1664 loan shall be awarded until the Governor has provided copies of the guidelines and criteria to the Chairmen
1665 of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on
1666 Finance and Transportation. The guidelines and criteria shall include provisions including the number of
1667 jobs and amounts of investment that must be committed in the event moneys are being used for an
1668 economic development project, a statement of how the studies and analysis to be completed using moneys
1669 from the Fund will advance the development of a transportation facility, a process for the application for
1670 and review of grant and loan requests, a timeframe for completion of any work, the comparative benefit
1671 resulting from the development of a transportation project, assessment of the ability of the recipient to
1672 repay any loan funds, and other criteria as necessary to support the timely development of transportation
1673 projects. The criteria shall also include incentives to encourage matching funds from any other local,
1674 federal, or private source.

1675 F. Within 30 days of each six-month period ending June 30 and December 31, the Governor shall
1676 provide a report to the Chairmen of the House Committees on Appropriations, Finance, and Transportation
1677 and the Senate Committees on Finance and Transportation that shall include the following information:
1678 the locality in which the project is being developed, the amount of the grant or loan made or committed
1679 from the Fund and the purpose for which it will be used, the number of jobs created or projected to be
1680 created, and the amount of a company's investment in the Commonwealth if the project is part of an
1681 economic development opportunity.

1682 G. The Governor shall provide grants and commitments from the Fund in an amount not to exceed
1683 the total value of the moneys contained in the Fund. If the Governor commits funds for years beyond the
1684 fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve
1685 the funds the Governor has committed, and the funds set aside and reserved shall remain in the Fund for
1686 those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation
1687 act unless the funds are currently available in the Fund.

1688 **§ 33.2-1530. Highway Maintenance and Operating Fund.**

1689 There is hereby created in the state treasury a special nonreverting fund to be known as the
1690 Highway Maintenance and Operating Fund, referred to in this section as "the Fund." The Fund shall be
1691 established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal
1692 year shall not revert to the general fund but shall remain in the Fund.

1693 ~~The sources of funds for the Fund shall be paid into the state treasury and credited to the Fund and,~~
1694 ~~in addition to all funds appropriated by the General Assembly, includes~~ shall consist of the following:

- 1695 1. ~~Revenues generated pursuant to § 33.2-213~~ allocated pursuant to subdivision B 1 of § 33.2-
1696 1524;
- 1697 2. ~~Civil penalties collected pursuant to § 33.2-216~~ pursuant to §§ 33.2-216, 33.2-1224, 33.2-1229,
1698 46.2-341.20:2, 46.2-1573, 46.2-1573.11, 46.2-1573.23, and 46.2-1573.36;
- 1699 3. ~~Civil penalties collected pursuant to § 33.2-1224;~~
- 1700 4. ~~Civil penalties collected pursuant to § 33.2-1229;~~

1701 ~~5. Permit fees as outlined in § 46.2-652.1 pursuant to §§ 46.2-1128, 46.2-1140.1, 46.2-1142.1,~~
1702 ~~46.2-1143, 46.2-1148, and 46.2-1149.1; and~~

1703 ~~6. Revenues generated pursuant to § 46.2-702.1;~~

1704 ~~7. Permit fees pursuant to §§ 46.2-1128, 46.2-1140.1, 46.2-1142.1, 46.2-1143, 46.2-1148, and~~
1705 ~~46.2-1149.1;~~

1706 ~~8.~~ 5. Applicable portions of emissions inspection fees from on-road emissions inspectors as
1707 designated in § 46.2-1182;

1708 ~~9. Revenues from subsection G of § 58.1-638 and § 58.1-638.3;~~

1709 ~~10. Revenues generated pursuant to subsection B of § 58.1-2249;~~

1710 ~~11. Revenues as apportioned in subsection E of § 58.1-2289;~~

1711 ~~12. Revenues as outlined in subsection A of § 58.1-2425; and~~

1712 ~~13. Taxes and fees pursuant to § 58.1-2701~~

1713 6. Any other funds appropriated by the General Assembly.

1714 In any year in which the Board determines funding in excess of the amount provided pursuant to
1715 § 33.2-1524 is necessary for the Robert O. Norris Bridge and Statewide Special Structure Program pursuant
1716 to § 33.2-374, the Board shall allocate moneys from the Fund to the Robert O. Norris Bridge and Statewide
1717 Special Structures Fund established pursuant to § 33.2-1532.

1718 **§ 33.2-1532. Robert O. Norris Bridge and Statewide Special Structure Fund.**

1719 A. There is hereby created in the state treasury a special nonreverting fund to be known as the
1720 Robert O. Norris Bridge and Statewide Special Structure Fund, referred to in this section as "the Fund."
1721 The Fund shall be established on the books of the Comptroller.

1722 B. The amount allocated to the Fund pursuant to §§ ~~33.2-358, 33.2-369, 33.2-1524~~ and 33.2-1530
1723 and any funds as may be appropriated by the General Assembly shall be paid into the state treasury and
1724 credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it.
1725 Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not
1726 revert to the general fund but shall remain in the Fund.

1727 C. Moneys in the Fund shall be allocated by the Board and used solely for the purposes of funding
1728 maintenance, rehabilitation, and replacement of large and unique special structures, as defined in § 33.2-
1729 374. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants
1730 issued by the Comptroller upon written request signed by the Secretary of Transportation. No later than
1731 November 30 each year, the Commissioner of Highways shall submit a report to the Governor and General
1732 Assembly on the use of moneys in the Fund.

1733 **§ 33.2-1604. Funds for administration of Department of Rail and Public Transportation.**

1734 The Commonwealth Transportation Board may annually allocate up to 3.5 percent of the revenues
1735 available each year in the funds established pursuant to §§ ~~33.2-1601~~, 33.2-1526.2 and ~~33.2-1602~~, and
1736 ~~33.2-1603~~ and subdivision A 4 of § ~~58.1-638~~ to support the costs of project development, project
1737 administration, and project compliance incurred by the Department of Rail and Public Transportation in
1738 implementing rail, public transportation, and congestion management programs and grants.

1739 **§ 33.2-1700. Definitions.**

1740 As used in this chapter, unless the context requires a different meaning:

1741 "Board" means the Commonwealth Transportation Board, or if the Commonwealth Transportation
1742 Board is abolished, any board, commission, or officer succeeding to the principal functions thereof or
1743 upon whom the powers given by this chapter to the Board shall be given by law.

1744 "Cost of the project," as applied to a project to be acquired by purchase or by condemnation,
1745 includes:

- 1746 1. The purchase price or the amount of the award;
- 1747 2. The cost of improvements, financing charges, and interest during any period of disuse before
1748 completion of improvements;
- 1749 3. The cost of traffic estimates and of engineering data;
- 1750 4. The cost of engineering and legal expenses;
- 1751 5. The cost of plans, specifications and surveys, and estimates of cost and of revenues; and
- 1752 6. Other expenses necessary or incident to determining the feasibility or practicability of the
1753 enterprises, administrative expenses, and such other expenses as may be necessary or incident to the

1754 financing authorized in this chapter and the acquisition of the project and the placing of the project in
1755 operation.

1756 "Cost of the project," as applied to a project to be constructed, includes:

1757 1. The cost of construction;

1758 2. The cost of all lands, properties, rights, easements, and franchises acquired that are deemed
1759 necessary for such construction;

1760 3. The cost of acquiring by purchase or condemnation any ferry that is deemed by the Board to be
1761 competitive with any bridge to be constructed;

1762 4. The cost of all machinery and equipment;

1763 5. The cost of financing charges and interest prior to construction, during construction, and for one
1764 year after completion of construction;

1765 6. The cost of traffic estimates and of engineering data;

1766 7. The cost of engineering and legal expenses;

1767 8. The cost of plans, specifications and surveys, estimates of cost and of revenues; and

1768 9. Other expenses necessary or incident to determining the feasibility or practicability of the
1769 enterprise, administrative expenses, and such other expenses as may be necessary or incident to the
1770 financing authorized in this chapter, the construction of the project, the placing of the project in operation,
1771 and the condemnation of property necessary for such construction and operation.

1772 "Improvements" means those repairs to, replacements of, additions to, and betterments of a project
1773 acquired by purchase or by condemnation as are deemed necessary to place it in a safe and efficient
1774 condition for the use of the public, if such repairs, replacements, additions, and betterments are ordered
1775 prior to the sale of any bonds for the acquisition of such project.

1776 "Owner" includes all individuals, incorporated companies, partnerships, societies, and associations
1777 having any title or interest in any property rights, easements, or franchises authorized to be acquired by
1778 this chapter.

1779 "Project" means any one or more of the following:

- 1780 1. The York River Bridges, extending from a point within Yorktown in York County or within
1781 York County across the York River to Gloucester Point or some point in Gloucester County.
- 1782 2. The Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex
1783 County, across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or
1784 at some other feasible point in the general vicinity of the two respective points.
- 1785 3. The James River Bridge, from a point at or near Jamestown, in James City County, across the
1786 James River to a point in Surry County.
- 1787 4. The James River, Chuckatuck, and Nansemond River Bridges, together with necessary
1788 connecting roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.
- 1789 5. The Hampton Roads Bridge-Tunnel or Bridge and Tunnel System, extending from a point or
1790 points in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across
1791 Hampton Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton
1792 Roads.
- 1793 6. Interstate 264, extending from a point in the vicinity of the intersection of Interstate 64 and U.S.
1794 Route 58 at Norfolk to some feasible point between London Bridge and U.S. Route 60.
- 1795 7. The Henrico-James River Bridge, extending from a point on the eastern shore of the James River
1796 in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges of
1797 Interstate 95; however, the project shall be deemed to include all property, rights, easements, and
1798 franchises relating to this project and deemed necessary or convenient for its operation, including its
1799 approaches.
- 1800 8. The limited access highway between the Newport News/Williamsburg International Airport
1801 area and the Newport News downtown area, which generally runs parallel to tracks of the Chesapeake and
1802 Ohio Railroad.
- 1803 9. Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls
1804 Church Metrorail station at Interstate 66 and a western terminus of Virginia Route 772 in Loudoun County,
1805 including without limitation the Dulles Toll Road; the Dulles Access Road; outer roadways adjacent or
1806 parallel thereto; mass transit, including rail; bus rapid transit; and capacity-enhancing treatments such as

1807 high-occupancy vehicle lanes, high-occupancy toll lanes, interchange improvements, commuter parking
1808 lots, and other transportation management strategies.

1809 10. Subject to the limitations and approvals of § 33.2-1712, any other highway for a primary
1810 highway transportation improvement district or transportation service district that the Board has agreed to
1811 finance under a contract with any such district or any other alternative mechanism for generation of local
1812 revenues for specific funding of a project satisfactory to the Board, the financing for which is to be secured
1813 by Transportation Trust Fund revenues under any appropriation made by the General Assembly for that
1814 purpose and payable first from revenues received under such contract or other local funding source;
1815 second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation
1816 formula as provided by law, to the highway construction district in which the project is located or to the
1817 county or counties in which the project is located; and third, to the extent required from other legally
1818 available revenues of the Transportation Trust Fund and from any other available source of funds.

1819 11. The U.S. Route 58 Corridor Development Program projects as defined in §§ 33.2-2300 and
1820 33.2-2301.

1821 12. The Northern Virginia Transportation District Program as defined in §§ 33.2-2400 and 33.2-
1822 2401.

1823 13. Any program for highways or mass transit or transportation facilities endorsed by the affected
1824 localities, which agree that certain distributions of state recordation taxes will be dedicated and used for
1825 the payment of any bonds or other obligations, including interest thereon, the proceeds of which were used
1826 to pay the cost of the program. Any such program shall be referred to as a "Transportation Improvement
1827 Program."

1828 14. Any project designated by the General Assembly financed in whole or part through the issuance
1829 of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.

1830 15. Any project authorized by the General Assembly financed in whole or in part by funds from
1831 the Priority Transportation Fund established pursuant to § 33.2-1527 or from the proceeds of bonds whose
1832 debt service is paid in whole or in part by funds from such Fund.

1833 16. Any project identified by the Board to be financed in whole or in part through the issuance of
1834 Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.

1835 17. The Interstate 81 Corridor Improvement Program projects as defined in §§ 33.2-3600 and 33.2-
1836 3602.

1837 18. Railroad and other infrastructure improvements leading into Washington, D.C. from Virginia
1838 and new Metrorail-related improvements to, and serving, the Rosslyn Metrorail station in Arlington
1839 County.

1840 "Revenues" includes tolls and any other moneys received or pledged by the Board pursuant to this
1841 chapter, including legally available Transportation Trust Fund revenues and any federal highway
1842 reimbursements and any other federal highway assistance received by the Commonwealth.

1843 "Toll project" means a project financed in whole or in part through the issuance of revenue bonds
1844 that are secured by toll revenues generated by the project.

1845 "Undertaking" means all of the projects authorized to be acquired or constructed under this chapter.

1846 **§ 33.2-1701. General powers of Commonwealth Transportation Board.**

1847 The Board may, subject to the provisions of this chapter:

1848 1. Acquire by purchase or by condemnation, construct, improve, operate, and maintain any one or
1849 more of the projects mentioned and included in the undertaking as defined in § 33.2-1700;

1850 2. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
1851 Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to
1852 pay the cost of such projects;

1853 3. Subject to the limitations and approvals of § 33.2-1712, issue revenue bonds of the
1854 Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract
1855 Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between the
1856 Board and the Treasury Board, subject to their appropriation by the General Assembly and payable first
1857 from revenues received pursuant to contracts with a primary highway transportation improvement district
1858 or transportation service district or other local revenue sources for which specific funding of any such
1859 bonds may be authorized by law; second, to the extent required, from funds appropriated and allocated,

1860 pursuant to the highway allocation formula as provided by law, to the highway construction district in
1861 which the project to be financed is located or to the county or counties in which the project to be financed
1862 is located; and third, to the extent required, from other legally available revenues of the Transportation
1863 Trust Fund and from any other available source of funds;

1864 4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
1865 Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58
1866 Corridor Development Fund, subject to their appropriation by the General Assembly; (ii) to the extent
1867 required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent
1868 required, from any other legally available funds that have been appropriated by the General Assembly;

1869 5. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
1870 Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General Assembly,
1871 (i) first from revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent
1872 required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided
1873 by law, to the highway construction district in which the project to be financed is located or to the city or
1874 county in which the project to be financed is located; (iii) to the extent required, from legally available
1875 revenues of the Transportation Trust Fund; and (iv) from such other funds that may be appropriated by
1876 the General Assembly;

1877 6. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
1878 Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General
1879 Assembly, (i) first from any revenues received from any Set-aside Fund established by the General
1880 Assembly pursuant to § 58.1-816.1; (ii) to the extent required, from revenues received pursuant to any
1881 contract with a locality or any alternative mechanism for generation of local revenues for specific funding
1882 of a project satisfactory to the Board; (iii) to the extent required, from funds appropriated and allocated,
1883 pursuant to the highway allocation formula as provided by law, to the highway construction district in
1884 which the project to be financed is located or to the city or county in which the project to be financed is
1885 located; (iv) to the extent required, from legally available revenues of the Transportation Trust Fund; and
1886 (v) from such other funds that may be appropriated by the General Assembly. No bonds for any project

1887 shall be issued under the authority of this subdivision unless such project is specifically included in a bill
1888 or resolution passed by the General Assembly;

1889 7. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
1890 Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General
1891 Assembly, (i) first from any revenues received from the Commonwealth Transit Capital Fund established
1892 by the General Assembly pursuant to ~~subdivision A 4 c of § 58.1-638~~ § 33.2-1526.1:1; (ii) to the extent
1893 required, from legally available revenues of the Transportation Trust Fund; and (iii) from such other funds
1894 that may be appropriated by the General Assembly. No bonds for any project shall be issued under the
1895 authority of this subdivision unless such project is specifically included in a bill or resolution passed by
1896 the General Assembly;

1897 8. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
1898 Virginia Federal Highway Reimbursement Anticipation Notes," secured, subject to their appropriation by
1899 the General Assembly, (i) first from any federal highway reimbursements and any other federal highway
1900 assistance received by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required,
1901 from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if
1902 any, that are designated by the General Assembly for such purpose;

1903 9. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
1904 Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation by the General
1905 Assembly, solely from revenues with respect to or generated by the project being financed thereby and
1906 any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable
1907 federal credit assistance authorized with respect to such project by the U.S. Department of Transportation;

1908 10. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth
1909 of Virginia Transportation Capital Projects Revenue Bonds," secured, subject to their appropriation by the
1910 General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established
1911 pursuant to § 33.2-1527; (ii) to the extent required, from revenues legally available from the
1912 Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds;

11. Issue grant anticipation notes of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," secured, subject to their appropriation by the General Assembly, (i) first from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, that are designated by the General Assembly for such purpose;

12. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Interstate 81 Program Revenue Bonds," secured, subject to appropriation by the General Assembly, by revenues received from the Interstate 81 Corridor Improvement Fund from deposits thereto pursuant to § 58.1-2299.20 derived from the receipt of the regional fuels tax levied pursuant to § 58.1-2295.1.

13. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such projects;

~~13.~~ 14. Construct grade separations at intersections of any projects with public highways, railways, or streets and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separations, the cost of such grade separations and any damage incurred in adjusting the lines and grades of such highways, railways, or streets to be ascertained and paid by the Board as a part of the cost of the project;

~~14.~~ 15. Vacate or change the location of any portion of any public highway and reconstruct the same at such new location as the Board deems most favorable for the project and of substantially the same type and in as good condition as the original highway, the cost of such reconstruction and any damage incurred in vacating or changing the location thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway vacated or relocated by the Board shall be vacated or relocated in the manner provided by law for the vacation or relocation of public highways, and any damages awarded on account thereof may be paid by the Board as a part of the cost of the project;

~~15.~~ 16. Make reasonable regulations for the installation, construction, maintenance, repair, renewal, and relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other

1940 equipment and appliances, referred to in this subdivision as "public utility facilities," of the
1941 Commonwealth and of any locality, political subdivision, public utility, or public service corporation
1942 owning or operating the same in, on, along, over, or under the project. Whenever the Board determines
1943 that it is necessary that any such public utility facilities should be relocated or removed, the
1944 Commonwealth or such locality, political subdivision, public utility, or public service corporation shall
1945 relocate or remove the same in accordance with the order of the Board. The cost and expense of such
1946 relocation or removal, including the cost of installing such public utility facilities in a new location or
1947 locations, the cost of any lands or any rights or interests in lands, and any other rights acquired to
1948 accomplish such relocation or removal, shall be ascertained by the Board.

1949 On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of
1950 the cost of the project for those public utility facilities owned or operated by the Commonwealth or such
1951 locality, political subdivision, public utility, or public service corporation. On all other projects under this
1952 chapter, the Board shall pay the cost and expense of relocation or removal as a part of the cost of the
1953 project for those public utility facilities owned or operated by the Commonwealth or such locality or
1954 political subdivision. The Commonwealth or such locality, political subdivision, public utility, or public
1955 service corporation may maintain and operate such public utility facilities with the necessary
1956 appurtenances in the new location for as long a period and upon the same terms and conditions as it had
1957 the right to maintain and operate such public utility facilities in their former location;

1958 ~~16-17.~~ 17. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-
1959 of-way, franchises, easements, and other property, including public lands, parks, playgrounds,
1960 reservations, highways, or parkways, or parts thereof or rights therein, of any locality or political
1961 subdivision, deemed necessary or convenient for the construction or the efficient operation of the project
1962 or necessary in the restoration, replacement, or relocation of public or private property damaged or
1963 destroyed.

1964 The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia
1965 Toll or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from
1966 any grant or contribution that may be made thereto pursuant to the provisions of this chapter;

1967 ~~17.~~ 18. Notwithstanding any provision of this chapter to the contrary, the Board shall be authorized
1968 to exercise the powers conferred in this chapter, in addition to its general powers to acquire rights-of-way
1969 and to construct, operate, and maintain state highways, with respect to any project that the General
1970 Assembly has authorized or may hereafter authorize to be financed in whole or in part through the issuance
1971 of bonds of the Commonwealth pursuant to the provisions of Article X, Section 9 (c) of the Constitution
1972 of Virginia;~~and~~

1973 ~~18.~~ 19. Enter into any agreements or take such other actions as the Board determines in connection
1974 with applying for or obtaining any federal credit assistance, including without limitation loan guarantees
1975 and lines of credit, pursuant to authorization from the U.S. Department of Transportation with respect to
1976 any project included in the Commonwealth's long-range transportation plan and the approved State
1977 Transportation Improvement Program; and

1978 20. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth
1979 of Virginia Passenger Rail Facilities Bonds," secured, subject to their appropriation by the General
1980 Assembly, (i) first, from net revenues resulting from tolls, rates, fees, and charges for or in connection
1981 with the use, occupancy, and services of the Transform 66 Inside the Beltway express lanes project and
1982 remaining after payment of expenses incurred in operating such project's tolling facilities; (ii) to the extent
1983 required, from legally available revenues of the Transportation Trust Fund; and (iii) to the extent required,
1984 from such other funds as may be appropriated by the General Assembly.

1985 **§ 33.2-1708. Revenue bonds.**

1986 The Board may provide by resolution, at one time or from time to time, for the issuance of revenue
1987 bonds, notes, or other revenue obligations of the Commonwealth for the purpose of paying all or any part
1988 of the cost, as defined in § 33.2-1700, of any one or more projects, as defined in § 33.2-1700. The principal
1989 or purchase price of, and redemption premium, if any, and interest on such obligations shall be payable
1990 solely from the special funds herein provided for such payment. For the purposes of this section, "special
1991 funds" includes any funds established for Commonwealth of Virginia Toll Revenue Bonds,
1992 Commonwealth of Virginia Transportation Contract Revenue Bonds, Commonwealth of Virginia
1993 Transportation Revenue Bonds, Commonwealth of Virginia Interstate 81 Program Revenue Bonds,

1994 Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, or Commonwealth of
1995 Virginia Federal Transportation Grant Anticipation Revenue Notes, or Commonwealth of Virginia
1996 Passenger Rail Facilities Bonds.

1997 **§ 33.2-1709. Credit of Commonwealth not pledged.**

1998 A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this chapter
1999 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of
2000 the Commonwealth, but such bonds shall be payable solely from the funds provided therefor from tolls
2001 and revenues pursuant to this chapter, from bond proceeds or earnings thereon, and from any other
2002 available sources of funds. All such bonds shall state on their face that the Commonwealth is not obligated
2003 to pay the same or the interest thereon except from the special fund provided therefor from tolls and
2004 revenues under this chapter, from bond proceeds or earnings thereon, and from any other available sources
2005 of funds, and that the full faith and credit of the Commonwealth are not pledged to the payment of the
2006 principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this chapter
2007 shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form
2008 of taxation whatever therefor or to make any appropriation for their payment, other than appropriate
2009 available funds derived as revenues from tolls and charges under this chapter or derived from bond
2010 proceeds or earnings thereon and from any other available sources of funds.

2011 B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the
2012 provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of
2013 the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds
2014 provided therefor pursuant to this chapter (i) from revenues received pursuant to contracts with a primary
2015 highway transportation district or transportation service district or any other alternative mechanism for
2016 generation of local revenues for specific funding of a project satisfactory to the Board; (ii) to the extent
2017 required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided
2018 by law, to the highway construction district in which the project to be financed is located or to the county
2019 or counties in which such project is located; (iii) from bond proceeds or earnings thereon; (iv) to the extent
2020 required, from other legally available revenues of the Transportation Trust Fund; and (v) from any other

2021 available source of funds. All such bonds shall state on their face that the Commonwealth is not obligated
2022 to pay the same or the interest thereon except from revenues in clauses (i) and (iii) and that the full faith
2023 and credit of the Commonwealth are not pledged to the payment of the principal and interest of such
2024 bonds. The issuance of such revenue bonds under the provisions of this chapter shall not directly or
2025 indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever
2026 or to make any appropriation for their payment, other than to appropriate available funds derived as
2027 revenues under this chapter from the sources set forth in clauses (i) and (iii). Nothing in this chapter shall
2028 be construed to obligate the General Assembly to make any appropriation of the funds set forth in clause
2029 (ii) or (iv) for payment of such bonds.

2030 C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this
2031 chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and
2032 credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor
2033 pursuant to this chapter (i) from revenues received from the U.S. Route 58 Corridor Development Fund
2034 established pursuant to § 33.2-2300, subject to their appropriation by the General Assembly; (ii) to the
2035 extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent
2036 required, from any other legally available funds that may be appropriated by the General Assembly.

2037 D. Commonwealth of Virginia Transportation Revenue Bonds issued under this chapter for
2038 Category 1 projects as provided in subdivision 12 of the definition of "project" in § 33.2-1700 shall not
2039 be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the
2040 Commonwealth. Such bonds shall be payable solely, subject to their appropriation by the General
2041 Assembly, (i) first from revenues received from the Northern Virginia Transportation District Fund
2042 established pursuant to § 33.2-2400; (ii) to the extent required, from funds appropriated and allocated,
2043 pursuant to the highway allocation formula as provided by law, to the highway construction district in
2044 which the project to be financed is located or to the city or county in which the project to be financed is
2045 located; (iii) to the extent required, from legally available revenues of the Transportation Trust Fund; and
2046 (iv) from such other funds that may be appropriated by the General Assembly.

2047 E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this chapter
2048 for projects defined in subdivision 13 of the definition of "project" in § 33.2-1700 shall not be deemed to
2049 constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Such
2050 bonds shall be payable solely, subject to their appropriation by the General Assembly, (i) first from any
2051 revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1;
2052 (ii) to the extent required, from revenues received pursuant to any contract with a locality or any alternative
2053 mechanism for generation of local revenues for specific funding of a project satisfactory to the Board; (iii)
2054 to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula
2055 as provided by law, to the highway construction district in which the project to be financed is located or
2056 to the city or county in which the project to be financed is located; (iv) to the extent required, from legally
2057 available revenues from the Transportation Trust Fund; and (v) from such other funds that may be
2058 appropriated by the General Assembly.

2059 F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under
2060 this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and
2061 credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the
2062 General Assembly, (i) first from any federal highway reimbursements and any other federal highway
2063 assistance received by the Commonwealth; (ii) then, at the discretion of the Board, to the extent required,
2064 from legally available revenues of the Transportation Trust Fund; and (iii) then, from such other funds, if
2065 any, that are designated by the General Assembly for such purpose.

2066 G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the
2067 provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of
2068 the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to
2069 appropriation by the General Assembly, from revenues with respect to or generated by the project being
2070 financed thereby and any tolls or other revenues pledged by the Board as security therefor and in
2071 accordance with the applicable federal credit assistance authorized with respect to such project by the U.S.
2072 Department of Transportation.

2073 H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the
2074 provisions of this chapter for projects as provided in subdivision 15 of the definition of "project" in § 33.2-
2075 1700 shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit
2076 of the Commonwealth, but such bonds shall be payable solely, subject to their appropriation by the General
2077 Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to §
2078 33.2-1527; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund;
2079 and (iii) to the extent required, from any other legally available funds.

2080 I. Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes issued
2081 under the provisions of Article 4 (§ 33.2-1511 et seq.) of Chapter 15 and this chapter shall not be deemed
2082 to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth,
2083 but such notes shall be payable solely, subject to their appropriation by the General Assembly, (i) first
2084 from the project-specific reimbursements pursuant to § 33.2-1520; (ii) then, at the discretion of the Board,
2085 to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then
2086 from such other funds, if any, that are designated by the General Assembly for such purpose.

2087 J. Commonwealth of Virginia Interstate 81 Program Revenue Bonds issued under the provisions
2088 of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith
2089 and credit of the Commonwealth, but such bonds shall be payable solely from the funds provided therefor
2090 pursuant to this chapter, subject to their appropriation by the General Assembly, from revenues received
2091 from the Interstate 81 Corridor Improvement Fund from deposits thereto pursuant to § 58.1-2299.20
2092 derived from the receipt of the regional fuels tax levied pursuant to § 58.1-2295.1.

2093 K. Commonwealth of Virginia Passenger Rail Facilities Bonds issued under the provisions of this
2094 chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and
2095 credit of the Commonwealth but such bonds shall be payable solely from the funds provided therefor (i)
2096 from tolls, rates, fees, and charges pursuant to this chapter; (ii) from bond proceeds or earnings thereon;
2097 (iii) to the extent required, from legally available revenues of the Transportation Trust Fund; and (iv) to
2098 the extent required, from other available sources of funds. All such bonds shall state on their face that the
2099 Commonwealth is not obligated to pay the same or the interest thereon except from revenues and funds

2100 identified in clauses (i) through (iv), and the full faith and credit of the Commonwealth are not pledged to
2101 the payment of the principal of and interest on such bonds. The issuance of such revenue bonds under the
2102 provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to
2103 levy or to pledge any form of taxation whatsoever or to make any appropriation for their payment, other
2104 than to appropriate available funds derived as revenues under clauses (i) and (iii) and from sources under
2105 clauses (ii) and (iv).

2106 **§ 33.2-1803. Approval by the responsible public entity.**

2107 A. The private entity may request approval by the responsible public entity. Any such request shall
2108 be accompanied by the following material and information unless waived by the responsible public entity
2109 in its guidelines or other instructions given, in writing, to the private entity with respect to the
2110 transportation facility or facilities that the private entity proposes to develop and/or operate as a qualifying
2111 transportation facility:

2112 1. A topographic map (1:2,000 or other appropriate scale) indicating the location of the
2113 transportation facility or facilities;

2114 2. A description of the transportation facility or facilities, including the conceptual design of such
2115 facility or facilities and all proposed interconnections with other transportation facilities;

2116 3. The proposed date for development and/or operation of the transportation facility or facilities
2117 along with an estimate of the life-cycle cost of the transportation facility as proposed;

2118 4. A statement setting forth the method by which the private entity proposes to secure any property
2119 interests required for the transportation facility or facilities;

2120 5. Information relating to the current transportation plans, if any, of each affected locality or public
2121 entity;

2122 6. A list of all permits and approvals required for developing and/or operating improvements to
2123 the transportation facility or facilities from local, state, or federal agencies and a projected schedule for
2124 obtaining such permits and approvals;

2125 7. A list of public utility's, locality's, or political subdivision's facilities, if any, that will be crossed
2126 by the transportation facility or facilities and a statement of the plans of the private entity to accommodate
2127 such crossings;

2128 8. A statement setting forth the private entity's general plans for developing and/or operating the
2129 transportation facility or facilities, including identification of any revenue, public or private, or proposed
2130 debt or equity investment or concession proposed by the private entity;

2131 9. The names and addresses of the persons who may be contacted for further information
2132 concerning the request;

2133 10. Information on how the private entity's proposal will address the needs identified in the
2134 appropriate state, regional, or local transportation plan by improving safety, reducing congestion,
2135 increasing capacity, enhancing economic efficiency, or any combination thereof;

2136 11. A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed
2137 by the private entity for the development and/or operation of the transportation facility, including revenue
2138 risk and operations and maintenance; and

2139 12. Such additional material and information as the responsible public entity may reasonably
2140 request pursuant to its guidelines or other written instructions.

2141 B. The responsible public entity may request proposals from private entities for the development
2142 and/or operation of transportation facilities subject to the following:

2143 1. For transportation facilities where the Department of Transportation, the Virginia Passenger
2144 Rail Authority, or the Department of Rail and Public Transportation is the responsible public entity, the
2145 Transportation Public-Private Partnership Steering Committee established pursuant to § 33.2-1803.2 has
2146 determined that moving forward with the development and/or operation of the facility pursuant to this
2147 article serves the best interest of the public.

2148 2. A finding of public interest pursuant to § 33.2-1803.1 has been issued by the responsible public
2149 entity.

2150 3. The responsible public entity shall not charge a fee to cover the costs of processing, reviewing,
2151 and evaluating proposals received in response to such requests.

2152 C. The responsible public entity may grant approval of the development and/or operation of the
2153 transportation facility or facilities as a qualifying transportation facility if the responsible public entity
2154 determines that it is in the best interest of the public. The responsible public entity may determine that the
2155 development and/or operation of the transportation facility or facilities as a qualifying transportation
2156 facility serves the best interest of the public if:

2157 1. The private entity can develop and/or operate the transportation facility or facilities with a public
2158 contribution amount that is less than the maximum public contribution determined pursuant to subsection
2159 A of § 33.2-1803.1:1 for transportation facilities where the Department of Transportation, the Virginia
2160 Passenger Rail Authority, or the Department of Rail and Public Transportation is the responsible public
2161 entity;

2162 2. There is a public need for the transportation facility or facilities the private entity proposes to
2163 develop and/or operate as a qualifying transportation facility and for transportation facilities where the
2164 Department of Transportation or the Department of Rail and Public Transportation is the responsible
2165 public entity, such facility or facilities meet a need included in the plan developed pursuant to § 33.2-353;

2166 3. The plan for the development and/or operation of the transportation facility or facilities is
2167 anticipated to have significant benefits as determined pursuant to subdivision B 1 of § 33.2-1803.1;

2168 4. The private entity's plans will result in the timely development and/or operation of the
2169 transportation facility or facilities or their more efficient operation; and

2170 5. The risks, liabilities, and responsibilities transferred, assigned, or assumed by the private entity
2171 provide sufficient benefits to the public to not proceed with the development and/or operation of the
2172 transportation facility through other means of procurement available to the responsible public entity.

2173 In evaluating any request, the responsible public entity may rely upon internal staff reports
2174 prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or
2175 consultants having relevant experience.

2176 D. The responsible public entity shall not enter into a comprehensive agreement unless the chief
2177 executive officer of the responsible public entity certifies in writing to the Governor and the General
2178 Assembly that:

- 2179 1. The finding of public interest issued pursuant to § 33.2-1803.1 is still valid;
- 2180 2. The transfer, assignment, and assumption of risks, liabilities, and permitting responsibilities and
- 2181 the mitigation of revenue risk by the private sector have not materially changed since the finding of public
- 2182 interest was issued pursuant to § 33.2-1803.1; and
- 2183 3. The public contribution requested by the private entity does not exceed the maximum public
- 2184 contribution determined pursuant to subsection A of § 33.2-1803.1:1.

2185 Changes to the project scope that do not impact the assignment of risks or liabilities or the

2186 mitigation of revenue risk shall not be considered material changes to the finding of public interest,

2187 provided that such changes were presented in a public meeting to the Commonwealth Transportation

2188 Board, other state board, or the governing body of a locality, as appropriate.

2189 E. The responsible public entity may charge a reasonable fee to cover the costs of processing,

2190 reviewing, and evaluating the request submitted by a private entity pursuant to subsection A, including

2191 reasonable attorney fees and fees for financial and other necessary advisors or consultants. The responsible

2192 public entity shall also develop guidelines that establish the process for the acceptance and review of a

2193 proposal from a private entity pursuant to subsections A, B, C, and D. Such guidelines shall establish a

2194 specific schedule for review of the proposal by the responsible public entity, a process for alteration of

2195 that schedule by the responsible public entity if it deems that changes are necessary because of the scope

2196 or complexity of proposals it receives, the process for receipt and review of competing proposals, and the

2197 type and amount of information that is necessary for adequate review of proposals in each stage of review.

2198 For qualifying transportation facilities that have approved or pending state and federal environmental

2199 clearances, have secured significant right-of-way, have previously allocated significant state or federal

2200 funding, or exhibit other circumstances that could reasonably reduce the amount of time to develop and/or

2201 operate the qualifying transportation facility in accordance with the purpose of this chapter, the guidelines

2202 shall provide for a prioritized documentation, review, and selection process.

2203 F. The approval of the responsible public entity shall be subject to the private entity's entering into

2204 an interim agreement or a comprehensive agreement with the responsible public entity. For any project

2205 with an estimated construction cost of over \$50 million, the responsible public entity also shall require the

2206 private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated
2207 with the private entity's proposal, as well as a review of all public costs and potential liabilities to which
2208 taxpayers could be exposed (including improvements to other transportation facilities that may be needed
2209 as a result of the proposal, failure by the private entity to reimburse the responsible public entity for
2210 services provided, and potential risk and liability in the event the private entity defaults on the
2211 comprehensive agreement or on bonds issued for the project). This independent audit shall be conducted
2212 by an independent consultant selected by the responsible public entity, and all such information from such
2213 review shall be fully disclosed.

2214 G. In connection with its approval of the development and/or operation of the transportation
2215 facility or facilities as a qualifying transportation facility, the responsible public entity shall establish a
2216 date for the acquisition of or the beginning of construction of or improvements to the qualifying
2217 transportation facility. The responsible public entity may extend such date.

2218 H. The responsible public entity shall take appropriate action, as more specifically set forth in its
2219 guidelines, to protect confidential and proprietary information provided by the private entity pursuant to
2220 an agreement under subdivision 11 of § 2.2-3705.6.

2221 I. The responsible public entity may also apply for, execute, and/or endorse applications submitted
2222 by private entities to obtain federal credit assistance for qualifying projects developed and/or operated
2223 pursuant to this chapter.

2224 **§ 33.2-1803.1. Finding of public interest.**

2225 A. Prior to the meeting of the Committee pursuant to subsection C of § 33.2-1803.2, the chief
2226 executive officer of the responsible public entity shall make a finding of public interest. Such finding shall
2227 include information set forth in subsection B. For transportation facilities where the Department of
2228 Transportation, the Virginia Passenger Rail Authority, or the Department of Rail and Public
2229 Transportation is the responsible public entity, the Secretary of Transportation, in his role as chairman of
2230 the Board, must concur with the finding of public interest.

2231 B. At a minimum, a finding of public interest shall contain the following information:

2232 1. A description of the benefits expected to be realized by the responsible public entity through the
2233 development and/or operation of the transportation facility, including person throughput, congestion
2234 mitigation, safety, economic development, environmental quality, and land use.

2235 2. An analysis of the public contribution necessary for the development and/or operation of the
2236 facility or facilities pursuant to subsection A of § 33.2-1803.1:1, including a maximum public contribution
2237 that will be allowed under the procurement.

2238 3. A description of the benefits expected to be realized by the responsible public entity through the
2239 use of this chapter compared with the development and/or operation of the transportation facility through
2240 other options available to the responsible public entity.

2241 4. A statement of the risks, liabilities, and responsibilities to be transferred, assigned, or assumed
2242 by the private entity, which shall include the following:

2243 a. A discussion of whether revenue risk will be transferred to the private entity and the degree to
2244 which any such transfer may be mitigated through other provisions in the interim or comprehensive
2245 agreements;

2246 b. A description of the risks, liabilities, and responsibilities to be retained by the responsible public
2247 entity; and

2248 c. Other items determined appropriate by the responsible public entity in the guidelines for this
2249 chapter.

2250 5. The determination of whether the project has a high, medium, or low level of project delivery
2251 risk and a description of how such determination was made. If the qualifying transportation facility is
2252 determined to contain high risk, a description of how the public's interest will be protected through the
2253 transfer, assignment, or assumption of risks or responsibilities by the private entity in the event that issues
2254 arise with the development and/or operation of the qualifying transportation facility.

2255 6. If the responsible public entity proposes to enter into an interim or comprehensive agreement
2256 pursuant to subdivision 2 of § 33.2-1819, information and the rationale demonstrating that proceeding in
2257 this manner is more beneficial than proceeding pursuant to subdivision 1 of § 33.2-1819.

2258 **§ 33.2-1803.1:1. Public sector analysis and competition.**

2259 A. For any transportation facility under consideration for development and/or operation under this
2260 chapter by the Department of Transportation, the Virginia Passenger Rail Authority, or the Department of
2261 Rail and Public Transportation, the responsible public entity shall ensure competition throughout the
2262 procurement process by developing a public sector option based on the analysis conducted in subsection
2263 B. The public sector option shall identify a maximum public contribution.

2264 B. The responsible public entity shall undertake, in cooperation with the Secretary of
2265 Transportation and the Secretary of Finance, a public sector analysis of the cost for the responsible entity
2266 to develop and/or operate the transportation facility or facilities being considered for development and/or
2267 operation pursuant to this chapter. At a minimum, such analysis shall contain the following information:

2268 1. Any mitigation of risk of user-fee financing through assumptions related to competing facilities,
2269 compensation for high usage of the facility by high-occupancy vehicles, or other considerations that may
2270 mitigate the risk of user-fee financing.

2271 2. Whether the Department of Transportation, the Virginia Passenger Rail Authority, or the
2272 Department of Rail and Public Transportation intends to maintain and operate the facility, or if the public
2273 sector option is based on the transfer of such responsibilities to the private sector.

2274 3. Public contribution, if any, that would still be required to cover all costs necessary for the
2275 development and/or operation of the transportation facility in excess of financing available should the
2276 General Assembly authorize the use of debt secured by a pledge of net revenues derived from rates, fees,
2277 or other charges and the full faith and credit of the Commonwealth pursuant to Article X, Section 9 (c) of
2278 the Constitution of Virginia.

2279 4. Funds provided to support nonuser fee generating components of the project that contribute to
2280 the benefits expected to be realized from the transportation facility pursuant to subdivision B 1 of § 33.2-
2281 1803.1.

2282 **§ 33.2-1803.2. Transportation Public-Private Partnership Steering Committee.**

2283 A. There is hereby established the Transportation Public-Private Partnership Steering Committee
2284 (the Committee) to evaluate and review financing options for the development and/or operation of
2285 transportation facility or facilities.

2286 The Committee shall consist of the following members:

2287 1. Two members of the Commonwealth Transportation Board;

2288 2. The staff director of the House Committee on Appropriations, or his designee, and the staff

2289 director of the Senate Committee on Finance, or his designee;

2290 3. A Deputy Secretary of Transportation who shall serve as the chairman;

2291 4. The chief financial officer of either the Department of Transportation or the Department of Rail

2292 and Public Transportation, as appropriate; and

2293 5. A nonagency public financial expert, as selected by the Secretary of Transportation.

2294 B. Prior to the initiation of any procurement pursuant to § 33.2-1803 by the Department of

2295 Transportation, the Virginia Passenger Rail Authority, or the Department of Rail and Public

2296 Transportation, the Committee shall meet to review the public sector analysis and competition developed

2297 pursuant to § 33.2-1803.1:1 and concur that:

2298 1. The assumptions regarding the project scope, benefits, and costs of the public sector option

2299 developed pursuant to § 33.2-1803.1:1 were fully and reasonably developed;

2300 2. The assumed financing costs and valuation of both financial and construction risk mitigation

2301 included in the public sector option are financially sound and reflect the best interest of the public; and

2302 3. The terms sheet developed for the proposed procurement contains all necessary elements.

2303 C. After receipt of responses to the request for qualifications, but prior to the issuance of the first

2304 draft request for proposals, the Committee shall meet to determine that the development and/or operation

2305 of the transportation facility or facilities as a qualifying transportation facility serves the public interest

2306 pursuant to § 33.2-1803.1. If the Committee makes an affirmative determination, as evidenced by an

2307 affirmative vote of a majority of the members of the Committee, the Department of Transportation or the

2308 Department of Rail and Public Transportation may proceed with the procurement pursuant to § 33.2-1803.

2309 D. Meetings of the Committee shall be open to the public, and meetings will be scheduled on an

2310 as-needed basis. However, the Committee may convene a closed session pursuant to the provisions of

2311 subdivisions A 6 and 29 of § 2.2-3711 to allow the Committee to review the public sector analysis and

2312 competition and to review proposals received pursuant to a request for qualifications.

2313 E. The Committee shall, within 10 business days of any meeting, report on the findings of such
2314 meeting. Such report shall be made to the Chairmen of the House and Senate Committees on
2315 Transportation, the House Committee on Appropriations, and the Senate Committee on Finance.

2316 F. Within 60 days of the execution of a comprehensive agreement pursuant to § 33.2-1803, the
2317 Department of Transportation or the Department of Rail and Public Transportation, as appropriate, shall,
2318 in closed session, brief the Committee on the details of the final bids received and the details of the
2319 evaluation of such bids.

2320 **§ 33.2-1809. Interim agreement.**

2321 A. Prior to or in connection with the negotiation of the comprehensive agreement, the responsible
2322 public entity may enter into an interim agreement with the private entity proposing the development and/or
2323 operation of the facility or facilities. Such interim agreement may (i) permit the private entity to commence
2324 activities for which it may be compensated relating to the proposed qualifying transportation facility,
2325 including project planning and development, advance right-of-way acquisition, design and engineering,
2326 environmental analysis and mitigation, survey, conducting transportation and revenue studies, and
2327 ascertaining the availability of financing for the proposed facility or facilities; (ii) establish the process
2328 and timing of the negotiation of the comprehensive agreement; and (iii) contain any other provisions
2329 related to any aspect of the development and/or operation of a qualifying transportation facility that the
2330 parties may deem appropriate.

2331 B. Notwithstanding any provision of this chapter to the contrary, a responsible public entity may
2332 enter in to an interim agreement with multiple private entities if the responsible public entity determines
2333 in writing that it is in the public interest to do so.

2334 C. The Department of Transportation, the Virginia Passenger Rail Authority, and the Department
2335 of Rail and Public Transportation shall not enter into an interim agreement for the development of a
2336 transportation facility under this chapter that either (i) establishes a process and timing of the negotiations
2337 of the comprehensive agreement or (ii) allows for competitive negotiations as set forth in § 2.2-4302.2.

2338 **§ 33.2-2300. U.S. Route 58 Corridor Development Fund.**

There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the U.S. Route 58 Corridor Development Fund, referred to in this chapter as "the Fund," consisting of the first \$40 million of annual collections of the state recordation taxes imposed by Chapter 8 of Title 58.1, provided, however, that this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814 from the Commonwealth Transportation Fund pursuant to § 33.2-1524. The Fund shall also include such other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund. Allocations from the Fund may be paid to any authority, locality, or commission for the purposes specified in § 33.2-2301.

§ 33.2-2301. U.S. Route 58 Corridor Development Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of south-central and Southwest Virginia be addressed by the Fund. Moneys contained in the Fund shall be used for the costs of providing an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary (the Program), including environmental and engineering studies, rights-of-way acquisition, construction, improvements, and financing costs.

B. Allocations from the Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient highway system connecting the communities, businesses, places of employment, and residents of the southwestern-most portion of the Commonwealth to the communities, businesses, places of employment, and residents of the southeastern-most portion of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility, and quality along such highway.

C. Allocations from the Fund shall not diminish or replace allocations made or planned to be made from other sources or diminish allocations to which any highway, project, facility, district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that highway resource improvements in the U.S. Route 58 Corridor may be accelerated and

2366 augmented. Notwithstanding any contrary provisions of this title, allocations from the Fund may be
2367 applied to highway projects in the Interstate System, primary or secondary state highway system, or urban
2368 highway system. Allocations under this subsection shall not be limited to projects involving only existing
2369 U.S. Route 58 but may be made to projects involving other highways, provided that the broader goal of
2370 creation of an adequate modern highway system generally along Virginia's southern boundary is served
2371 thereby.

2372 D. The Commonwealth Transportation Board may expend such funds from all sources as may be
2373 lawfully available to initiate the Program and to support bonds and other obligations referenced in
2374 subsection F. Any moneys expended from the Transportation Trust Fund for the Program, other than
2375 moneys contained in the Fund, may be reimbursed from the Fund, to the extent permitted by Article X,
2376 Section 9 of the Constitution of Virginia.

2377 E. The Commonwealth Transportation Board is encouraged to utilize the existing four-lane divided
2378 highways, available rights-of-way acquired for additional four-laning, bypasses, connectors, and alternate
2379 routes.

2380 F. To the extent permitted by Article X, Section 9 of the Constitution of Virginia, moneys
2381 contained in the Fund may be used to secure payment of bonds or other obligations, and the interest
2382 thereon, issued in furtherance of the purposes of this section. In addition, the Commonwealth
2383 Transportation Board is authorized to receive, dedicate, or use legally available Transportation Trust Fund
2384 revenues and any other available sources of funds to secure the payment of bonds or other obligations,
2385 including interest thereon, in furtherance of the Program. No bond or other obligations payable from
2386 revenues of the Fund shall be issued unless specifically approved by the General Assembly. No bond or
2387 other obligations, secured in whole or in part by revenues of the Fund, shall pledge the full faith and credit
2388 of the Commonwealth.

2389 G. Forty million dollars shall be transferred annually to the Fund with the first such transfer to be
2390 made on July 1, 1990, or as soon thereafter as reasonably practicable. Such transfer shall be made by the
2391 issuance of a treasury loan at no interest in the amount of \$40 million to the Fund to ensure that the Fund
2392 is fully funded on the first day of the fiscal year. Such treasury loan shall be repaid from—the

~~Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by § 33.2-2300~~ Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524. For each fiscal year following July 1, 1990, the Secretary of Finance is authorized to make additional treasury loans in the amount of \$40 million on July 1 of such fiscal years, and such treasury loans shall be repaid in a like manner as provided in this subsection.

§ 33.2-2400. Northern Virginia Transportation District Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a part of the Transportation Trust Fund and that shall be known as the Northern Virginia Transportation District Fund, referred to in this chapter as "the Fund," consisting of transfers ~~pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and § 58.1-814~~ \$20 million from the Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including any funds distributed pursuant to § 33.2-366, that may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3, or 4 project may be funded.

B. Allocations from the Fund may be paid (i) to any authority, locality, or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program, which consists of the following: the Fairfax County Parkway, the Route 234 Bypass, Metrorail capital improvements attributable to Fairfax County including Metro parking expansions, Metrorail capital improvements including the Franconia-Springfield Metrorail Station and new rail car purchases, the Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange

2420 improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun
2421 County, Metrorail capital improvements attributable to the City of Alexandria including the King Street
2422 Metrorail Station access, Metrorail capital improvements attributable to Arlington County including
2423 Ballston Station improvements, the Route 15 safety improvements in Loudoun County, the Route 28
2424 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County, the
2425 Route 1/Route 123 interchange improvements in Prince William County, the Lee Highway improvements
2426 in the City of Fairfax, the Route 123 improvements in Fairfax County, the Telegraph Road improvements
2427 in Fairfax County, the Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, the Route
2428 1/Route 234 interchange improvements in Prince William County, the Potomac-Rappahannock
2429 Transportation Commission bus replacement program, and the Dulles Corridor Enhanced Transit program
2430 and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for
2431 the Northern Virginia Transportation District Program.

2432 C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be
2433 made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an
2434 amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the
2435 General Assembly. Such treasury loan shall be repaid from the ~~Commonwealth's portion of the state~~
2436 ~~recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this~~
2437 ~~section and § 58.1-816~~ Commonwealth Transportation Fund pursuant to subsection C of § 33.2-1524.

2438 D. Beginning in fiscal year 2019, \$20 million each year shall be transferred from the Fund to the
2439 Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401.

2440 **§ 33.2-2509. Northern Virginia Transportation Authority Fund.**

2441 There is hereby created in the state treasury a special nonreverting fund for Planning District 8 to
2442 be known as the Northern Virginia Transportation Authority Fund, referred to in this chapter as "the
2443 Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund
2444 pursuant to ~~§§ 58.1-638 and 58.1-802.4~~, any other funds that may be appropriated by the General
2445 Assembly, and any funds that may be received for the credit of the Fund from any other source shall be
2446 paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain

in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

The amounts dedicated to the Fund pursuant to ~~§§ 58.1-638 and 58.1-802.4~~ shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Authority as soon as practicable for use in accordance with § 33.2-2510. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to § 33.2-2510, the Authority may invest such excess moneys to the same extent as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

§ 33.2-3601. Interstate 81 Corridor Improvement Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Interstate 81 Corridor Improvement Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to ~~§§ 46.2-702.1:1, 58.1-2217.1, 33.2-372 and 58.1-2299.20, and 58.1-2701~~, any other funds that may be appropriated by the General Assembly, and any funds that may be received for credit to the Fund from any other sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Moneys in the Fund shall be used only for capital, operating, and other improvement costs identified in the Plan.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to jurisdictions along the Interstate 81 corridor. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

2473 A. All records in the office of the Department containing the specific classes of information
2474 outlined below shall be considered privileged records:

- 2475 1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2476 2. Driver information, including all data that relates to driver's license status and driver activity;
2477 and
2478 3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle
2479 activity data.

2480 B. The Commissioner shall release such information only under the following conditions:

- 2481 1. Notwithstanding other provisions of this section, medical data included in personal data shall
2482 be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.
2483 2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.
2484 3. Notwithstanding other provisions of this section, information disclosed or furnished shall be
2485 assessed a fee as specified in § 46.2-214.
2486 4. When the person requesting the information is (i) the subject of the information, (ii) the parent
2487 or guardian of the subject of the information, (iii) the authorized representative of the subject of the
2488 information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall
2489 provide him with the requested information and a complete explanation of it. Requests for such
2490 information need not be made in writing or in person and may be made orally or by telephone, provided
2491 that the Department is satisfied that there is adequate verification of the requester's identity. When so
2492 requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the
2493 information, (c) the authorized representative of the subject of the information, or (d) the owner of the
2494 vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the
2495 personal information provided and furnish driver and vehicle information in the form of an abstract of the
2496 record.
2497 5. On the written request of any insurance carrier, surety, or representative of an insurance carrier
2498 or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of
2499 the record of any person subject to the provisions of this title. The abstract shall include any record of any

2500 conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership
2501 of a motor vehicle or of any injury or damage in which he was involved and a report of which is required
2502 by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date
2503 of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason
2504 for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or
2505 suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from
2506 the date that the driver's license or driving privilege has been reinstated. This abstract shall not be
2507 admissible in evidence in any court proceedings.

2508 6. On the written request of any business organization or its agent, in the conduct of its business,
2509 the Commissioner shall compare personal information supplied by the business organization or agent with
2510 that contained in the Department's records and, when the information supplied by the business
2511 organization or agent is different from that contained in the Department's records, provide the business
2512 organization or agent with correct information as contained in the Department's records. Personal
2513 information provided under this subdivision shall be used solely for the purpose of pursuing remedies that
2514 require locating an individual.

2515 7. The Commissioner shall provide vehicle information to any business organization or agent on
2516 such business' or agent's written request. Disclosures made under this subdivision shall not include any
2517 personal information and shall not be subject to the limitations contained in subdivision 6.

2518 8. On the written request of any motor vehicle rental or leasing company or its designated agent,
2519 the Commissioner shall (i) compare personal information supplied by the company or agent with that
2520 contained in the Department's records and, when the information supplied by the company or agent is
2521 different from that contained in the Department's records, provide the company or agent with correct
2522 information as contained in the Department's records and (ii) provide the company or agent with driver
2523 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
2524 shall include any record of any conviction of a violation of any provision of any statute or ordinance
2525 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject
2526 of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include

2527 any record of any conviction or accident more than 60 months after the date of such conviction or accident
2528 unless the Commissioner or court used the conviction or accident as a reason for the suspension or
2529 revocation of a driver's license or driving privilege, in which case the revocation or suspension and any
2530 conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from
2531 the date on which the driver's license or driving privilege was reinstated. No abstract released under this
2532 subdivision shall be admissible in evidence in any court proceedings.

2533 9. On the request of any federal, state, or local governmental entity, local government group self-
2534 insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent
2535 of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the
2536 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for
2537 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the
2538 Department's records and, when the information supplied by the governmental entity, local government
2539 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the
2540 authorized agent of any of the foregoing, is different from that contained in the Department's records,
2541 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,
2542 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct
2543 information as contained in the Department's records and (ii) provide driver and vehicle information in
2544 the form of an abstract of the record showing all convictions, accidents, and driver's license suspensions
2545 or revocations. The Commissioner may also release other appropriate information as the governmental
2546 entity, local government group self-insurance pool, law-enforcement officer, attorney for the
2547 Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out
2548 its official functions. The abstract shall be provided free of charge.

2549 10. On request of the driver licensing authority in any other state or foreign country, the
2550 Commissioner shall provide whatever classes of information the requesting authority shall require in order
2551 to carry out its official functions. The information shall be provided free of charge.

2552 11. On the written request of any employer, prospective employer, or authorized agent of either,
2553 and with the written consent of the individual concerned, the Commissioner shall (i) compare personal

2554 information supplied by the employer, prospective employer, or agent with that contained in the
2555 Department's records and, when the information supplied by the employer, prospective employer, or agent
2556 is different from that contained in the Department's records, provide the employer, prospective employer,
2557 or agent with correct information as contained in the Department's records and (ii) provide the employer,
2558 prospective employer, or agent with driver information in the form of an abstract of an individual's record
2559 showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's
2560 license that the individual currently possesses, provided that the individual's position or the position that
2561 the individual is being considered for involves the operation of a motor vehicle.

2562 12. On the written request of any member of or applicant for membership in a volunteer fire
2563 company or any volunteer emergency medical services personnel or applicant to serve as volunteer
2564 emergency medical services personnel, the Commissioner shall (i) compare personal information supplied
2565 by the volunteer fire company or volunteer emergency medical services agency with that contained in the
2566 Department's records and, when the information supplied by the volunteer fire company or volunteer
2567 emergency medical services agency is different from that contained in the Department's records, provide
2568 the volunteer fire company or volunteer emergency medical services agency with correct information as
2569 contained in the Department's records and (ii) provide driver information in the form of an abstract of the
2570 member's, personnel, or applicant's record showing all convictions, accidents, license suspensions or
2571 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be
2572 provided free of charge if the request is accompanied by appropriate written evidence that the person is a
2573 member of or applicant for membership in a volunteer fire company or a volunteer emergency medical
2574 services agency to serve as a member of a volunteer emergency medical services agency and the abstract
2575 is needed by a volunteer fire company or volunteer emergency medical services agency to establish the
2576 qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire
2577 company or volunteer emergency medical services agency.

2578 13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
2579 of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied
2580 by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's

2581 records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America
2582 is different from that contained in the Department's records, provide the Virginia affiliate of Big
2583 Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii)
2584 provide driver information in the form of an abstract of the applicant's record showing all convictions,
2585 accidents, license suspensions or revocations, and any type of driver's license that the individual currently
2586 possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is
2587 accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia
2588 affiliate of Big Brothers/Big Sisters of America.

2589 14. On the written request of any person who has applied to be a volunteer with a court-appointed
2590 special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the
2591 applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of
2592 driver's license that the individual currently possesses. Such abstract shall be provided free of charge if
2593 the request is accompanied by appropriate written evidence that the person has applied to be a volunteer
2594 with a court-appointed special advocate program pursuant to § 9.1-153.

2595 15. Upon the request of any employer, prospective employer, or authorized representative of either,
2596 the Commissioner shall (i) compare personal information supplied by the employer, prospective employer,
2597 or agent with that contained in the Department's records and, when the information supplied by the
2598 employer, prospective employer, or agent is different from that contained in the Department's records,
2599 provide the employer, prospective employer, or agent with correct information as contained in the
2600 Department's records and (ii) provide driver information in the form of an abstract of the driving record
2601 of any individual who has been issued a commercial driver's license, provided that the individual's position
2602 or the position that the individual is being considered for involves the operation of a commercial motor
2603 vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or
2604 disqualifications, and any type of driver's license that the individual currently possesses.

2605 16. Upon the receipt of a completed application and payment of applicable processing fees, the
2606 Commissioner may enter into an agreement with any governmental authority or business to exchange
2607 information specified in this section by electronic or other means.

2608 17. Upon the request of an attorney representing a person in a motor vehicle accident, the
2609 Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

2610 18. Upon the request, in the course of business, of any authorized representative of an insurance
2611 company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating
2612 and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information,
2613 including the owner's name and address, descriptive data and title, registration, and vehicle activity data
2614 as requested or (ii) all driver information including name, license number and classification, date of birth,
2615 and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia
2616 meeting the request criteria designated by such person, with such request criteria consisting of driver's
2617 license number or address information. No such information shall be used for solicitation of sales,
2618 marketing, or other commercial purposes.

2619 19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing
2620 a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner
2621 shall provide vehicle information, including the owner's name and address.

2622 20. Upon written request of the compliance agent of a private security services business, as defined
2623 in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall
2624 provide the name and address of the owner of the vehicle under procedures determined by the
2625 Commissioner.

2626 21. Upon the request of the operator of a toll facility, ~~or~~ traffic light photo-monitoring system, or
2627 speed monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an
2628 authorized agent or employee of a toll facility operator, ~~or~~ traffic light photo-monitoring system operator,
2629 or speed monitoring system acting on behalf of a government entity, or the Dulles Access Highway, for
2630 the purpose of obtaining vehicle owner data under subsection M of § 46.2-819.1 ~~or~~, subsection H of §
2631 15.2-968.1 ~~or~~, subsection N of § 46.2-819.5, or subdivision B 6 of § 46.2-882.1. Information released
2632 pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having
2633 (i) failed to pay a toll or having, (ii) failed to comply with a traffic light signal, (iii) driven in excess of

2634 maximum speed limits, or (iv) having improperly used the Dulles Access Highway² and the vehicle
2635 information, including all descriptive vehicle data and title and registration data of the same vehicle.

2636 22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
2637 of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of
2638 Compeer with that contained in the Department's records and, when the information supplied by a Virginia
2639 affiliate of Compeer is different from that contained in the Department's records, provide the Virginia
2640 affiliate of Compeer with correct information as contained in the Department's records and (ii) provide
2641 driver information in the form of an abstract of the applicant's record showing all convictions, accidents,
2642 license suspensions or revocations, and any type of driver's license that the individual currently possesses.
2643 Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied
2644 by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of
2645 Compeer.

2646 23. Upon the request of the Department of Environmental Quality for the purpose of obtaining
2647 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles,
2648 pursuant to § 46.2-1178.1.

2649 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
2650 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
2651 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records
2652 and, when the information supplied by a Virginia chapter of the American Red Cross is different from that
2653 contained in the Department's records, provide the Virginia chapter of the American Red Cross with
2654 correct information as contained in the Department's records and (ii) provide driver information in the
2655 form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or
2656 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be
2657 provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written
2658 evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the
2659 American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that

2687 contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with
2688 correct information as contained in the Department's records and (ii) provide driver information in the
2689 form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or
2690 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be
2691 provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written
2692 evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the
2693 USA.

2694 29. Upon written agreement, the Commissioner may digitally verify the authenticity and validity
2695 of a driver's license, learner's permit, or special identification card to the American Association of Motor
2696 Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or other organization approved
2697 by the Commissioner.

2698 30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting
2699 on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to
2700 subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name
2701 and address of the owner of the vehicle having passed a stopped school bus and the vehicle information,
2702 including all descriptive vehicle data and title and registration data for such vehicle.

2703 C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving
2704 privilege of any individual, he may notify the National Driver Register Service operated by the United
2705 States Department of Transportation and any similar national driver information system and provide
2706 whatever classes of information the authority may require.

2707 D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

2708 E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the
2709 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the
2710 Commercial Driver License Information System, or any similar national commercial driver information
2711 system, regarding such action.

2712 F. In addition to the foregoing provisions of this section, vehicle information may also be inspected
2713 under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

2714 G. The Department may promulgate regulations to govern the means by which personal, vehicle,
2715 and driver information is requested and disseminated.

2716 H. Driving records of any person accused of an offense involving the operation of a motor vehicle
2717 shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If
2718 such counsel is from the public defender's office or has been appointed by the court, such records shall be
2719 provided free of charge.

2720 I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2,
2721 subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by
2722 every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall
2723 be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision
2724 B 9.

2725 J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the
2726 National Motor Vehicle Title Information System, or any other nationally recognized system providing
2727 similar information, or any entity contracted to collect information for such system, and may provide
2728 whatever classes of information are required by such system.

2729 **§ 46.2-224.1. Education and oversight of enforcement of highway safety policies.**

2730 A. The Commissioner shall establish an advisory council to monitor the effectiveness and
2731 enforcement of §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094. The council shall include members
2732 representing (i) a nonprofit organization primarily focused on promoting programs and education related
2733 to traffic safety in the Commonwealth, (ii) the Virginia Association of Chiefs of Police and the Virginia
2734 Sheriffs Association, (iii) organizations focused on social equity and justice issues, (iv) the Virginia State
2735 Police, and (v) a traffic safety organization. The council shall review whether the enforcement of §§ 18.2-
2736 323.1, 46.2-1078.1, and 46.2-1094 has a disproportionate impact on minority or low-income populations.

2737 B. The Commissioner, working with the organizations described in clauses (i), (ii), and (v) of
2738 subsection A, shall create training and educational materials on the implementation and enforcement of
2739 §§ 18.2-323.1, 46.2-1078.1, and 46.2-1094. These materials shall be reviewed by the advisory council
2740 established pursuant to subsection A and made available to law-enforcement agencies.

2741 C. The Commissioner, working with the organizations described in clauses (i) and (v) of
2742 subsection A, shall create and provide educational materials for the public regarding the provisions of §§
2743 18.2-323.1, 46.2-1078.1, and 46.2-1094.

2744 **§ 46.2-686. Portion of certain fees to be paid into special funds.**

2745 ~~Except A.~~ Before July 1, 2021, except as provided in subdivision A 13 of subsection A of § 46.2-
2746 694 and § 46.2-703, an amount equal to twenty 20 percent of the fees collected, after refunds, from the
2747 registration of motor vehicles, trailers, and semitrailers pursuant to this chapter, calculated at the rates in
2748 effect on December 31, 1986, shall be transferred from the special fund established by the provisions of §
2749 46.2-206 to a special fund in the state treasury to be used to meet the expenses of the Department.

2750 B. On and after July 1, 2020, but before July 1, 2021, in addition to the amounts provided in
2751 subsection A, \$5 million of the fees collected, after refunds, from the registration of motor vehicles,
2752 trailers, and semitrailers pursuant to this chapter shall be transferred from the special fund established
2753 pursuant to § 46.2-206 to a special fund in the state treasury to be used to meet the expenses of the
2754 Department. On and after July 1, 2020, but before July 1, 2021, \$2.8 million of the fees collected, after
2755 refunds, from the registration of motor vehicles, trailers, and semitrailers pursuant to this chapter shall be
2756 transferred from the special fund established pursuant to the provisions of § 46.2-206 and set aside to be
2757 used to meet the expenses of the Department of State Police.

2758 C. On and after July 1, 2021, except as provided in subdivision A 13 of § 46.2-694 and §§ 46.2-
2759 697.3 and 46.2-703, an amount equal to 28.2 percent of the fees collected, after refunds, from the
2760 registration of motor vehicles, trailers, and semitrailers pursuant to this chapter shall be transferred to a
2761 special fund in the state treasury to be used to meet the expenses of the Department, and 1.75 percent shall
2762 be set aside to be used to meet the expenses of the Department of State Police.

2763 **§ 46.2-694. (Contingent expiration date) Fees for vehicles designed and used for**
2764 **transportation of passengers; weights used for computing fees; burden of proof.**

2765 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for
2766 the transportation of passengers on the highways in the Commonwealth are:

2767 1. ~~Thirty-three~~ a. Thirteen dollars for each private passenger car-~~or motor home~~ if the passenger
2768 car-~~or motor home~~ weighs 4,000 pounds or less, provided that it is not used for the transportation of
2769 passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease
2770 without a chauffeur; however, the fee provided under this subdivision shall apply to a private passenger
2771 car-~~or motor home~~ that weighs 4,000 pounds or less and is used as a TNC partner vehicle as defined in §
2772 46.2-2000.

2773 b. Thirty-three dollars for each motor home if the motor home weighs 4,000 pounds or less,
2774 provided that it is not used for the transportation of passengers for compensation and is not kept or used
2775 for rent or for hire, or is not operated under a lease without a chauffeur.

2776 2. ~~Thirty-eight~~ a. Eighteen dollars for each private passenger car-~~or motor home~~ that weighs more
2777 than 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and
2778 is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur; however, the
2779 fee provided under this subdivision shall apply to a private passenger car-~~or motor home~~ that weighs more
2780 than 4,000 pounds and is used as a TNC partner vehicle as defined in § 46.2-2000.

2781 b. Thirty-eight dollars for each motor home if the motor home weighs more than 4,000 pounds,
2782 provided that it is not used for the transportation of passengers for compensation and is not kept or used
2783 for rent or for hire, or is not operated under a lease without a chauffeur.

2784 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
2785 motorcycle with a normal seating capacity of more than 10 adults, including the driver, if the private motor
2786 vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent
2787 or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less than \$23 if
2788 the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000 pounds.

2789 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee
2790 be less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
2791 pounds.

2792 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
2793 beings.

2794 6. Thirteen dollars plus \$0.30 per 100 pounds or major fraction thereof for each motor vehicle,
2795 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
2796 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed in
2797 subdivision 7 on submission to the Commissioner of a declaration of operations and equipment as he may
2798 prescribe. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000 pounds.

2799 7. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for each motor vehicle,
2800 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
2801 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
2802 pounds. In lieu of the foregoing fee of \$0.70 per 100 pounds, a motor carrier of passengers, operating two
2803 or more vehicles both within and outside the Commonwealth and registered for insurance purposes with
2804 the Surface Transportation Board of the U.S. Department of Transportation, Federal Highway
2805 Administration, may apply to the Commissioner for prorated registration. Upon the filing of such
2806 application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
2807 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
2808 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
2809 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
2810 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
2811 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
2812 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
2813 representatives of the Commissioner at the end of such license year, the expense of such audit to be borne
2814 by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and licensed
2815 in Virginia and the annual registration fee to be paid for each such vehicle shall not be less than \$33. For
2816 the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or
2817 semitrailers operated both within and outside the Commonwealth shall be subject to inclusion in
2818 determining the apportionment provided for herein.

2819 8. Thirteen dollars plus \$0.80 per 100 pounds or major fraction thereof for each motor vehicle,
2820 trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the

2821 transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more than
2822 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner
2823 vehicles as defined in § 46.2-2000.

2824 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
2825 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
2826 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs more
2827 than 4,000 pounds. This subdivision does not apply to vehicles used as common carriers or as TNC partner
2828 vehicles as defined in § 46.2-2000.

2829 10. ~~Eighteen~~ Ten dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
2830 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

2831 10a. ~~Fourteen~~ Ten dollars for a moped, to be paid into the state treasury and set aside as a special
2832 fund to be used to meet the expenses of the Department.

2833 10b. ~~Eighteen~~ Ten dollars for an autocycle.

2834 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school,
2835 for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight
2836 of the vehicle exceeds 4,000 pounds, the fee shall be \$28.

2837 12. Thirteen dollars plus \$0.70 per 100 pounds or major fraction thereof for other passenger-
2838 carrying vehicles.

2839 13. An additional fee of \$4.25 per year shall be charged and collected at the time of registration of
2840 each pickup or panel truck and each motor vehicle under subdivisions 1 through 12. All funds collected
2841 from \$4 of the \$4.25 fee shall be paid into the state treasury and shall be set aside as a special fund to be
2842 used only for emergency medical services purposes. The moneys in the special emergency medical
2843 services fund shall be distributed as follows:

2844 a. Two percent shall be distributed to the State Department of Health to provide funding to the
2845 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
2846 volunteer recruitment, retention, and training activities;

2847 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
2848 medical services training programs (excluding advanced life support classes); (ii) advanced life support
2849 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
2850 retain volunteer emergency medical services personnel only, including public awareness campaigns,
2851 technical assistance programs, and similar activities); (iv) emergency medical services system
2852 development, initiatives, and priorities based on needs identified by the State Emergency Medical Services
2853 Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical services
2854 to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication enhancements;
2855 and (vii) improved emergency preparedness and response. Any funds set aside for distribution under this
2856 provision and remaining undistributed at the end of any fiscal year shall revert to the Rescue Squad
2857 Assistance Fund;

2858 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

2859 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
2860 Services for use in emergency medical services; and

2861 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
2862 registered, to provide funding for training of volunteer or salaried emergency medical services personnel
2863 of nonprofit emergency medical services agencies that hold a valid license issued by the Commissioner
2864 of Health and for the purchase of necessary equipment and supplies for use in such locality for emergency
2865 medical services provided by nonprofit emergency medical services agencies that hold a valid license
2866 issued by the Commissioner of Health.

2867 All revenues generated by the remaining \$0.25 of the \$4.25 fee approved by the 2008 Session of
2868 the General Assembly shall be deposited into the Rescue Squad Assistance Fund and used only to pay for
2869 the costs associated with the certification and recertification training of emergency medical services
2870 personnel.

2871 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
2872 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall be
2873 in addition to any local appropriations and local governing bodies shall not use these funds to supplant

2874 local funds. Each local governing body shall report annually to the Board of Health on the use of the funds
2875 returned to it pursuant to this section. In any case in which the local governing body grants the funds to a
2876 regional emergency medical services council to be distributed to the nonprofit emergency medical services
2877 agency that holds a valid license issued by the Commissioner of Health, the local governing body shall
2878 remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of
2879 the funds returned to the locality pursuant to this section for that year has not been received from a local
2880 governing body, any funds due to that local governing body for the next fiscal year shall be retained until
2881 such time as the report has been submitted to the Board.

2882 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-
2883 646 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
2884 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
2885 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

2886 C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required
2887 by this section to be based upon the weight of the vehicle.

2888 D. The applicant for registration bears the burden of proof that the vehicle for which registration
2889 is sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the
2890 Commissioner or to his authorized agent.

2891 **§ 46.2-697. (Contingent expiration date) Fees for vehicles not designed or used for**
2892 **transportation of passengers.**

2893 A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not
2894 designed and used for the transportation of passengers shall be \$23 plus an amount determined by the
2895 gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the maximum
2896 capacity for which it is registered and licensed, according to the schedule of fees set forth in this section.
2897 For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is registered,
2898 there shall be paid to the Commissioner the fee indicated in the following schedule immediately opposite
2899 the weight group and under the classification established by the provisions of subsection B of § 46.2-711
2900 into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the

2901 maximum capacity for which it is registered and licensed. The fee for a pickup or panel truck shall be ~~\$33~~
2902 \$13 if its gross weight is 4,000 pounds or less, and ~~\$38~~ \$18 if its gross weight is 4,001 pounds through
2903 6,500 pounds. The fee shall be ~~\$39~~ \$24 for any motor vehicle with a gross weight of 6,501 pounds through
2904 10,000 pounds.

2905 Fee Per Thousand Pounds of Gross Weight

a	Gross Weight Groups (pounds)	For Rent or	
		Private Carriers	For Hire Carriers
b	10,001 -- 11,000	\$3.17	\$4.75
c	11,001 -- 12,000	3.42	4.90
d	12,001 -- 13,000	3.66	5.15
e	13,001 -- 14,000	3.90	5.40
f	14,001 -- 15,000	4.15	5.65
g	15,001 -- 16,000	4.39	5.90
h	16,001 -- 17,000	4.88	6.15
i	17,001 -- 18,000	5.37	6.40
j	18,001 -- 19,000	5.86	7.50
k	19,001 -- 20,000	6.34	7.70
l	20,001 -- 21,000	6.83	7.90
m	21,001 -- 22,000	7.32	8.10
n	22,001 -- 23,000	7.81	8.30
o	23,001 -- 24,000	8.30	8.50
p	24,001 -- 25,000	8.42	8.70
q	25,001 -- 26,000	8.48	8.90
r	26,001 -- 27,000	10.07	10.35
s	27,001 -- 28,000	10.13	10.55
t	28,001 -- 29,000	10.18	10.75

u	29,001 -- 40,000	10.31	10.95
v	40,001 -- 45,000	10.43	11.15
w	45,001 -- 50,000	10.68	11.25
x	50,001 -- 55,000	11.29	13.25
y	55,001 -- 76,000	13.73	15.25
z	76,001 -- 80,000	16.17	16.25

2906 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of ~~five~~
 2907 ~~dollars~~ \$5 shall be imposed.

2908 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year,
 2909 the owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such
 2910 case, the fee shall be ~~twenty-five~~ 25 percent of the annual fee plus ~~five dollars~~ \$5 for each quarter that the
 2911 vehicle is registered.

2912 C. When an owner elects to register and license a motor vehicle under subsection B of this section,
 2913 the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

2914 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow
 2915 disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight
 2916 other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

2917 E. All registrations and licenses issued for less than a full year shall expire on the date shown on
 2918 the license and registration.

2919 **§ 46.2-752. Taxes and license fees imposed by counties, cities, and towns; limitations on**
 2920 **amounts; disposition of revenues; requiring evidence of payment of personal property taxes and**
 2921 **certain fines; prohibiting display of licenses after expiration; failure to display valid local license**
 2922 **required by other localities; penalty.**

2923 A. Except as provided in § 46.2-755, counties, cities, and towns may levy and assess taxes and
 2924 charge license fees on motor vehicles, trailers, and semitrailers. However, none of these taxes and license
 2925 fees shall be assessed or charged by any county on vehicles owned by residents of any town located in the
 2926 county when such town constitutes a separate school district if the vehicles are already subject to town

2927 license fees and taxes, nor shall a town charge a license fee to any new resident of the town, previously a
2928 resident of a county within which all or part of the town is situated, who has previously paid a license fee
2929 for the same tax year to such county. The amount of the license fee or tax imposed by any county, city, or
2930 town on any motor vehicle, trailer, or semitrailer shall not be greater than the annual or one-year fee
2931 imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer in effect on January 1, 2020.

2932 The license fees and taxes shall be imposed in such manner, on such basis, for such periods, and subject
2933 to proration for fractional periods of years, as the proper local authorities may determine.

2934 Owners or lessees of motor vehicles, trailers, and semitrailers who have served outside of the
2935 United States in the armed services of the United States shall have a 90-day grace period, beginning on
2936 the date they are no longer serving outside the United States, in which to comply with the requirements of
2937 this section. For purposes of this section, "the armed services of the United States" includes active duty
2938 service with the regular Armed Forces of the United States or the National Guard or other reserve
2939 component.

2940 Local licenses may be issued free of charge for any or all of the following:

2941 1. Vehicles powered by clean special fuels as defined in § 46.2-749.3, including dual-fuel and bi-
2942 fuel vehicles,

2943 2. Vehicles owned by volunteer emergency medical services agencies,

2944 3. Vehicles owned by volunteer fire departments,

2945 4. Vehicles owned or leased by active members or active auxiliary members of volunteer
2946 emergency medical services agencies,

2947 5. Vehicles owned or leased by active members or active auxiliary members of volunteer fire
2948 departments,

2949 6. Vehicles owned or leased by auxiliary police officers,

2950 7. Vehicles owned or leased by volunteer police chaplains,

2951 8. Vehicles owned by surviving spouses of persons qualified to receive special license plates under
2952 § 46.2-739,

2953 9. Vehicles owned or leased by auxiliary deputy sheriffs or volunteer deputy sheriffs,

- 2954 10. Vehicles owned by persons qualified to receive special license plates under § 46.2-739,
- 2955 11. Vehicles owned by any of the following who served at least 10 years in the locality: former
- 2956 members of volunteer emergency medical services agencies, former members of volunteer fire
- 2957 departments, former auxiliary police officers, members and former members of authorized police
- 2958 volunteer citizen support units, members and former members of authorized sheriff's volunteer citizen
- 2959 support units, former volunteer police chaplains, and former volunteer special police officers appointed
- 2960 under former § 15.2-1737. In the case of active members of volunteer emergency medical services
- 2961 agencies and active members of volunteer fire departments, applications for such licenses shall be
- 2962 accompanied by written evidence, in a form acceptable to the locality, of their active affiliation or
- 2963 membership, and no member of an emergency medical services agency or member of a volunteer fire
- 2964 department shall be issued more than one such license free of charge,
- 2965 12. All vehicles having a situs for the imposition of licensing fees under this section in the locality,
- 2966 13. Vehicles owned or leased by deputy sheriffs; however, no deputy sheriff shall be issued more
- 2967 than one such license free of charge,
- 2968 14. Vehicles owned or leased by police officers; however, no police officer shall be issued more
- 2969 than one such license free of charge,
- 2970 15. Vehicles owned or leased by officers of the State Police; however, no officer of the State Police
- 2971 shall be issued more than one such license free of charge,
- 2972 16. Vehicles owned or leased by salaried firefighters; however, no salaried firefighter shall be
- 2973 issued more than one such license free of charge,
- 2974 17. Vehicles owned or leased by salaried emergency medical services personnel; however, no
- 2975 salaried emergency medical services personnel shall be issued more than one such license free of charge,
- 2976 18. Vehicles with a gross weight exceeding 10,000 pounds owned by museums officially
- 2977 designated by the Commonwealth,
- 2978 19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license
- 2979 plates under subsection A of § 46.2-743, and

2980 20. Vehicles owned or leased by members of the Virginia Defense Force; however, no member of
2981 the Virginia Defense Force shall be issued more than one such license free of charge.

2982 The governing body of any county, city, or town issuing licenses under this section may by
2983 ordinance provide for a 50 percent reduction in the fee charged for the issuance of any such license issued
2984 for any vehicle owned or leased by any person who is 65 years old or older. No such discount, however,
2985 shall be available for more than one vehicle owned or leased by the same person.

2986 The governing body of any county, city, or town issuing licenses free of charge under this
2987 subsection may by ordinance provide for (i) the limitation, restriction, or denial of such free issuance to
2988 an otherwise qualified applicant, including without limitation the denial of free issuance to a taxpayer who
2989 has failed to timely pay personal property taxes due with respect to the vehicle and (ii) the grounds for
2990 such limitation, restriction, or denial.

2991 The situs for the imposition of licensing fees under this section shall in all cases, except as
2992 hereinafter provided, be the county, city, or town in which the motor vehicle, trailer, or semitrailer is
2993 normally garaged, stored, or parked. If it cannot be determined where the personal property is normally
2994 garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor
2995 vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of
2996 such student, provided the student has presented sufficient evidence that he has paid a personal property
2997 tax on the motor vehicle in his domicile.

2998 B. The revenue derived from all county, city, or town taxes and license fees imposed on motor
2999 vehicles, trailers, or semitrailers shall be applied to general county, city, or town purposes.

3000 C. A county, city, or town may require that no motor vehicle, trailer, or semitrailer shall be locally
3001 licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor
3002 vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent
3003 motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been
3004 properly assessed or are assessable against the applicant by the county, city, or town. A county, city, or
3005 town may also provide that no motor vehicle license shall be issued unless the tangible personal property
3006 taxes properly assessed or assessable by that locality on any tangible personal property used or usable as

3007 a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid. Any
3008 county and any town within any such county may by agreement require that all personal property taxes
3009 assessed by either the county or the town on any vehicle be paid before licensure of such vehicle by either
3010 the county or the town.

3011 C1. The Counties of Dinwiddie, Lee, and Wise may, by ordinance or resolution adopted after
3012 public notice and hearing and, with the consent of the treasurer, require that no license may be issued
3013 under this section unless the applicant has produced satisfactory evidence that all fees, including
3014 delinquent fees, payable to such county or local solid waste authority, for the disposal of solid waste
3015 pursuant to the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.), or pursuant to § 15.2-
3016 2159, have been paid in full. For purposes of this subsection, all fees, including delinquent fees, payable
3017 to a county for waste disposal services described herein, shall be paid to the treasurer of such county;
3018 however, in Wise County, the fee shall be paid to the county or its agent.

3019 D. The Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them and
3020 any city may require that no motor vehicle, trailer, or semitrailer shall be licensed by that jurisdiction
3021 unless all fines owed to the jurisdiction by the owner of the vehicle, trailer, or semitrailer for violation of
3022 the jurisdiction's ordinances governing parking of vehicles have been paid. The provisions of this
3023 subsection shall not apply to vehicles owned by firms or companies in the business of renting motor
3024 vehicles.

3025 E. If in any county imposing license fees and taxes under this section, a town therein imposes like
3026 fees and taxes on vehicles of owners resident in the town, the owner of any vehicle subject to the fees or
3027 taxes shall be entitled, on the owner's displaying evidence that he has paid the fees or taxes, to receive a
3028 credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to the town.
3029 Nothing in this section shall deprive any town now imposing these licenses and taxes from increasing
3030 them or deprive any town not now imposing them from hereafter doing so, but subject to the limitations
3031 provided in subsection D. The governing body of any county and the governing body of any town in that
3032 county wherein each imposes the license tax herein provided may provide mutual agreements so that not
3033 more than one license plate or decal in addition to the state plate shall be required.

3034 F. Notwithstanding the provisions of subsection E, in a consolidated county wherein a tier-city
3035 exists, the tier-city may, in accordance with the provisions of the agreement or plan of consolidation,
3036 impose license fees and taxes under this section in addition to those fees and taxes imposed by the county,
3037 provided that the combined county and tier-city rates do not exceed the maximum provided in subsection
3038 A. No credit shall be allowed on the fees or taxes imposed by the county for fees or taxes paid to the tier-
3039 city, except as may be provided by the consolidation agreement or plan. The governing body of any county
3040 and the governing body of any tier-city in such county wherein each imposes the license tax herein may
3041 provide by mutual agreement that no more than one license plate or decal in addition to the state license
3042 plate shall be required.

3043 G. Any county, city, or town may by ordinance provide that it shall be unlawful for any owner or
3044 operator of a motor vehicle, trailer, or semitrailer (i) to fail to obtain and, if any required by such ordinance,
3045 to display the local license required by any ordinance of the county, city or town in which the vehicle is
3046 registered, or (ii) to display upon a motor vehicle, trailer, or semitrailer any such local license, required
3047 by ordinance to be displayed, after its expiration date. The ordinance may provide that a violation shall
3048 constitute a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor and may,
3049 in the case of a motor vehicle registered to a resident of the locality where such vehicle is registered,
3050 authorize the issuance by local law-enforcement officers of citations, summonses, parking tickets, or
3051 uniform traffic summonses for violations. Any such ordinance may also provide that a violation of the
3052 ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon
3053 presentation of satisfactory evidence that the required license has been obtained. Nothing in this section
3054 shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a
3055 local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not
3056 require display of a decal or other evidence of payment. No ordinance adopted pursuant to this section
3057 shall require the display of any local license, decal, or sticker on any vehicle owned by a public service
3058 company, as defined in § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

3059 H. Except as provided by subsections E and F, no vehicle shall be subject to taxation under the
3060 provisions of this section in more than one jurisdiction. Furthermore, no person who has purchased a local

3061 vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages
3062 his vehicle in another county, city, or town shall be required to purchase another local license, decal, or
3063 sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until
3064 the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he
3065 moved.

3066 I. Purchasers of new or used motor vehicles shall be allowed at least a 10-day grace period,
3067 beginning with the date of purchase, during which to pay license fees charged by local governments under
3068 authority of this section.

3069 J. The treasurer or director of finance of any county, city, or town may enter into an agreement
3070 with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration
3071 of any applicant therefor who owes to such county, city, or town any local vehicle license fees or
3072 delinquent tangible personal property tax or parking citations. Before being issued any vehicle registration
3073 or renewal of such license or registration by the Commissioner, the applicant shall first satisfy all such
3074 local vehicle license fees and delinquent taxes or parking citations and present evidence satisfactory to the
3075 Commissioner that all such local vehicle license fees and delinquent taxes or parking citations have been
3076 paid in full. However, a vehicle purchased by an applicant subsequent to the onset of enforcement action
3077 under this subsection may be issued an initial registration for a period of up to 90 days to allow the
3078 applicant to satisfy all applicable requirements under this subsection, provided that a fee sufficient for the
3079 registration period, as calculated under subsection B of § 46.2-694, is paid. Such initial registration shall
3080 not be eligible for the one-month registration extension provided for in § 46.2-646.2 for this same purpose.
3081 The Commissioner shall charge a reasonable fee to cover the costs of such enforcement action, and the
3082 treasurer or director of finance may add the cost of this fee to the delinquent tax bill or the amount of the
3083 parking citation. The treasurer or director of finance of any county, city, or town seeking to collect
3084 delinquent taxes or parking citations through the withholding of registration or renewal thereof by the
3085 Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided
3086 for in his agreement with the Commissioner and supply to the Commissioner information necessary to
3087 identify the debtor whose registration or renewal is to be denied. Any agreement entered into pursuant to

3088 the provisions of this subsection shall provide the debtor notice of the intent to deny renewal of registration
3089 or issuance of registration for any currently unregistered vehicle at least 30 days prior to the expiration
3090 date of a current vehicle registration. For the purposes of this subsection, notice by first-class mail to the
3091 registrant's address as maintained in the records of the Department of Motor Vehicles shall be deemed
3092 sufficient. In the case of parking violations, the Commissioner shall only refuse to issue or renew the
3093 vehicle registration of any applicant therefor pursuant to this subsection for the vehicle that incurred the
3094 parking violations. The provisions of this subsection shall not apply to vehicles owned by firms or
3095 companies in the business of renting motor vehicles.

3096 K. The governing bodies of any two or more counties, cities, or towns may enter into compacts for
3097 the regional enforcement of local motor vehicle license requirements. The governing body of each
3098 participating jurisdiction may by ordinance require the owner or operator of any motor vehicle, trailer, or
3099 semitrailer to display on his vehicle a valid local license issued by another county, city, or town that is a
3100 party to the regional compact, provided that the owner or operator is required by the jurisdiction of situs,
3101 as provided in § 58.1-3511, to obtain and display such license. The ordinance may also provide that no
3102 motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory
3103 evidence that (i) all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have
3104 been paid to all participating jurisdictions and (ii) any delinquent motor vehicle, trailer, or semitrailer
3105 personal property taxes that have been properly assessed or are assessable by any participating jurisdiction
3106 against the applicant have been paid. Any city and any county having the urban county executive form of
3107 government, the counties adjacent to such county and towns within them may require that no motor
3108 vehicle, trailer, or semitrailer shall be licensed by that jurisdiction or any other jurisdiction in the compact
3109 unless all fines owed to any participating jurisdiction by the owner of the vehicle for violation of any
3110 participating jurisdiction's ordinances governing parking of vehicles have been paid. The ordinance may
3111 further provide that a violation shall constitute a misdemeanor the penalty for which shall not exceed that
3112 of a Class 4 misdemeanor. Any such ordinance may also provide that a violation of the ordinance by the
3113 owner of the vehicle may not be discharged by payment of a fine and applicable court costs except upon
3114 presentation of satisfactory evidence that the required license has been obtained. The provisions of this

3115 subsection shall not apply to vehicles owned by firms or companies in the business of renting motor
3116 vehicles.

3117 L. In addition to the taxes and license fees permitted in subsection A, counties, cities, and towns
3118 may charge a license fee of no more than \$1 per motor vehicle, trailer, and semitrailer. Except for the
3119 provisions of subsection B, such fee shall be subject to all other provisions of this section. All funds
3120 collected pursuant to this subsection shall be paid pursuant to § 51.1-1204 to the Volunteer Firefighters'
3121 and Rescue Squad Workers' Service Award Fund to the accounts of all members of the Fund who are
3122 volunteers for fire departments or emergency medical services agencies within the jurisdiction of the
3123 particular county, city, or town.

3124 M. In any county, the county treasurer or comparable officer and the treasurer of any town located
3125 wholly or partially within such county may enter into a reciprocal agreement, with the approval of the
3126 respective local governing bodies, that provides for the town treasurer to collect license fees or taxes on
3127 any motor vehicle, trailer, or semitrailer owed to the county that are non-delinquent, delinquent, or both
3128 or for the county treasurer to collect license fees or taxes on any motor vehicle, trailer, or semitrailer owed
3129 to the town that are non-delinquent, delinquent, or both. A treasurer or comparable officer collecting any
3130 such license fee or tax pursuant to an agreement entered into under this subsection shall account for and
3131 pay over such amounts to the locality owed such license fee or tax in the same manner as provided by law.
3132 As used in this subsection, with regard to towns, "treasurer" means the town officer or employee vested
3133 with authority by the charter, statute, or governing body to collect local taxes.

3134 N. For any summons issued for a violation of this section, the court may, in its discretion, dismiss
3135 the summons, where proof of compliance with this section is provided to the court on or before the court
3136 date.

3137 CHAPTER 7.

3138 HIGHWAY USE FEE AND MILEAGE-BASED USER FEE PROGRAM.

3139 § 46.2-770. Definitions.

3140 As used in this chapter, unless the context requires a different meaning:

3141 "Alternative fuel vehicle" means a vehicle that operates on a fuel that is not subject to the tax
3142 imposed pursuant to § 58.1-2217 and (i) is not subject to the tax imposed pursuant to § 58.1-2249, (ii) is
3143 not subject to the federal excise tax levied under § 4041 of the Internal Revenue Code, (iii) is a moped, or
3144 (iv) is not registered under the International Registration Plan.

3145 "Fuel-efficient vehicle" means a vehicle that has a combined miles per gallon rating, as determined
3146 by the U.S. Environmental Protection Agency, of 25 or greater.

3147 **§ 46.2-771. Purpose.**

3148 The purpose of this chapter is to ensure more equitable contributions to the Commonwealth
3149 Transportation Fund from alternative fuel vehicles, electric vehicles, and fuel-efficient vehicles using
3150 highways in the Commonwealth.

3151 **§ 46.2-772. Highway use fee.**

3152 A. Except as provided in subsection C, there is hereby imposed an annual highway use fee on any
3153 motor vehicle registered in the Commonwealth under § 46.2-694 or 46.2-697. The fee shall be collected
3154 by the Department at the time of vehicle registration. If the vehicle is registered for a period of other than
3155 one year as provided in § 46.2-646, the highway use fee shall be multiplied by the number of years or
3156 fraction thereof that the vehicle will be registered.

3157 B. For an electric motor vehicle as defined in § 58.1-2201, the highway use fee shall be 85 percent
3158 of the amount of tax paid under subsection A of § 58.1-2217 on fuel used by a vehicle with a combined
3159 fuel economy of 23.7 miles per gallon for the average number of miles traveled by a passenger vehicle in
3160 the Commonwealth. For all other motor vehicles, the highway use fee shall be 85 percent of the difference
3161 between the tax paid under Chapter 22 of Title 58.1 on the fuel used by a vehicle with a combined fuel
3162 economy equivalent to 23.7 miles per gallon for the average number of miles traveled by a passenger
3163 vehicle in the Commonwealth in a year and the tax paid under Chapter 22 of Title 58.1 on the fuel used
3164 by the vehicle being registered for the average number of miles traveled by a passenger vehicle in the
3165 Commonwealth in a year.

3166 In calculating the fuel used by the vehicle being registered, the Commissioner shall use combined
3167 fuel economy as determined by the manufacturer of the vehicle. If the Commissioner is unable to obtain

3168 the manufacturer's fuel economy for a vehicle, then the Commissioner shall calculate fuel use based upon
3169 the average fuel economy, as determined by the U.S. Environmental Protection Agency, of (i) all trucks
3170 having the same model year as the vehicle being registered, if the vehicle has a gross weight between
3171 6,000 pounds and 10,000 pounds, or (ii) all cars having the same model year as the vehicle. If data are not
3172 available for the model year of the vehicle being registered, then the Commissioner shall use data for the
3173 most recent model year for which data are available.

3174 The Commissioner shall update the fees calculated under this section July 1 of each year.

3175 C. This section shall not apply to:

3176 1. An auticycle, moped, or motorcycle;

3177 2. A vehicle with a gross weight over 10,000 pounds;

3178 3. A vehicle that is otherwise exempt from paying the tax imposed pursuant to § 58.1-2217; or

3179 4. A vehicle that is registered under the International Registration Plan.

3180 A vehicle shall not be subject to the fee set forth in this section in any year in which such vehicle
3181 is registered to participate in the mileage-based user fee program established pursuant to § 46.2-773.

3182 **§ 46.2-773. Mileage-based user fee program.**

3183 A. There is hereby established a mileage-based user fee program. The program shall be a voluntary
3184 program that allows owners of vehicles subject to the highway use fee pursuant to § 46.2-772 to pay a
3185 mileage-based fee in lieu of the highway use fee. No owner of a motor vehicle registered in the
3186 Commonwealth shall be required to participate in the program established pursuant to this section.

3187 B. In any year that an owner pays the fee set forth in this section, such owner shall not be subject
3188 to the fee set forth in § 46.2-772 for the same vehicle. In no case shall the fees paid pursuant to this section
3189 during a 12-month period exceed the annual highway use fee that would have otherwise been paid.

3190 C. The fee schedule for the mileage-based user fee program shall be calculated by dividing the
3191 amount of the highway use fee as determined pursuant to subsection B of § 46.2-770 by the average
3192 number of miles traveled by a passenger vehicle in the Commonwealth to determine a fee per mile driven.

3193 D. The Department shall establish procedures for the collection of the fees set forth in this section.

3194 Such procedures may limit the total number of participants during the first four years of the program.

3195 **§ 46.2-774. Distribution of revenues.**

3196 All revenues collected pursuant to this chapter shall be deposited into the Commonwealth
3197 Transportation Fund established pursuant to § 33.2-1524.

3198 **§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device;**
3199 **arrest without warrant.**

3200 The speed of any motor vehicle may be determined by the use of (i) a laser speed determination
3201 device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both
3202 measures and records distance traveled and elapsed time to determine the average speed of a motor
3203 vehicle, ~~or~~ (iv) a microcomputer device that is located aboard an airplane or helicopter and measures and
3204 records distance traveled and elapsed time to determine the average speed of a motor vehicle being
3205 operated on highways within the Interstate System of highways as defined in § 33.2-100, or (v) a speed
3206 monitoring system as provided in § 46.2-882.1. The results of such determinations shall be accepted as
3207 prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed
3208 of the motor vehicle is at issue.

3209 In any court or legal proceeding in which any question arises about the calibration or accuracy of
3210 any laser speed determination device, radar, ~~or~~ microcomputer device, or speed monitoring system as
3211 described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy
3212 thereof, showing the calibration or accuracy of ~~(i)~~ (a) the speedometer of any vehicle, ~~(ii)~~ (b) any tuning
3213 fork employed in calibrating or testing the radar or other speed determination device, ~~or (iii)~~ (c) any other
3214 method employed in calibrating or testing any laser speed determination device or speed monitoring
3215 system, and when and by whom the calibration was made, shall be admissible as evidence of the facts
3216 therein stated. No calibration or testing of such device or system shall be valid for longer than six months.

3217 The driver of any such motor vehicle may be arrested without a warrant under this section if the
3218 arresting officer is in uniform and displays his badge of authority and if the officer has observed the
3219 registration of the speed of such motor vehicle by the laser speed determination device, radar, or
3220 microcomputer device as described in this section, or has received a radio message from the officer who
3221 observed the speed of the motor vehicle registered by the laser speed determination device, radar, or

3222 microcomputer device as described in this section. However, in case of an arrest based on such a message,
3223 such radio message shall have been dispatched immediately after the speed of the motor vehicle was
3224 registered and furnished the license number or other positive identification of the vehicle and the registered
3225 speed to the arresting officer.

3226 Neither State Police officers nor local law-enforcement officers shall use laser speed determination
3227 devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed
3228 of motor vehicles.

3229 State Police officers may use laser speed determination devices, radar, and/or microcomputer
3230 devices as described in this section. All localities may use radar ~~and~~ laser speed determination devices,
3231 or speed monitoring devices as provided in § 46.2-882.1 to measure speed. The Cities of Alexandria,
3232 Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun,
3233 and Prince William and towns within such counties may use microcomputer devices as described in this
3234 section.

3235 ~~The~~ With the exception of a speed monitoring system as defined in § 46.2-882.1, the Division of
3236 Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine
3237 the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police
3238 chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986,
3239 meet or exceed the standards established by the Division.

3240 **§ 46.2-882.1. Use of speed monitoring systems.**

3241 A. For purposes of this section:

3242 "Highway safety corridor" means those portions of highways in the primary state highway system
3243 and Interstate System designated in accordance with § 33.2-253.

3244 "Speed monitoring system" means a vehicle sensor that automatically produces two or more
3245 photographs, two or more microphotographs, video, or other recorded data of a motor vehicle traveling at
3246 a speed of at least 10 miles per hour in excess of the maximum applicable speed limit. For each such
3247 vehicle, at least two recorded images shall include the motor vehicle and the same stationary object near

the motor vehicle and at least one recorded image shall include the license plate of the motor vehicle. All recorded images shall include the time, date, and location of the vehicle when the image is recorded.

B. The Department of State Police shall establish a speed enforcement program by installing and operating a speed monitoring system in highway safety corridors for the purpose of recording violations of §§ 46.2-870 and 46.2-878.

1. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a speed monitoring system, to have violated the maximum speed limit in a designated highway safety corridor. Notwithstanding the provisions of § 46.2-947, such civil penalty imposed pursuant to this section shall not be doubled and shall not exceed the applicable fine set forth in the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayments of fines for violations of §§ 46.2-870 and 46.2-878, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions. Any finding in a district court that an operator has violated the maximum applicable speed limit in a highway safety corridor shall be appealable to the circuit court in a civil proceeding. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

2. If a speed monitoring system is used, proof of a violation of § 46.2-870 or 46.2-878 shall be evidenced by information obtained from such system. A certificate, sworn to or affirmed by a technician employed or authorized by the speed monitoring system operator, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a speed monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of § 46.2-870 or 46.2-878.

3. In the prosecution for a violation of § 46.2-870 or 46.2-878, in which a summons was issued pursuant to this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of § 46.2-870 or 46.2-878, together with proof that the defendant

3275 was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a
3276 rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the
3277 violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an
3278 affidavit by regular mail with the clerk of the general district court that he was not the operator of the
3279 vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the
3280 operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a
3281 certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior
3282 to the time of the alleged violation of § 46.2-870 or 46.2-878, is presented, prior to the return date
3283 established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

3284 4. A summons for a violation of § 46.2-870 or 46.2-878 issued pursuant to this section shall be
3285 executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the
3286 case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible
3287 to the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to
3288 the address contained in the records of the lessor or renter. Every such mailing shall include, in addition
3289 to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the
3290 operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in
3291 subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is
3292 to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed
3293 pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No
3294 proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to
3295 appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a
3296 vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return
3297 set out in the summons mailed pursuant to this section, the summons will be eligible for all legal
3298 collections activities. Any summons executed for a violation of § 46.2-870 or 46.2-878 shall provide to
3299 the person summoned at least 30 days from the mailing of the summons to inspect information collected
3300 by a speed monitoring system in connection with the violation. If the Department of State Police does not
3301 execute a summons for a violation § 46.2-870 or 46.2-878 within 14 days from the date of the violation,

3302 all information collected pertaining to that suspected violation shall be purged within 16 days from the
3303 date of the violation.

3304 5. Information collected by a speed monitoring system installed and operated pursuant to this
3305 section shall be limited exclusively to that information that is necessary for the enforcement of speed limits
3306 in a highway safety corridor. On behalf of the Department of State Police, a private entity that operates a
3307 speed monitoring system may enter into an agreement with the Department of Motor Vehicles, in
3308 accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information
3309 regarding the registered owners of vehicles that fail to comply with the maximum speed limit in a highway
3310 safety corridor. Information provided to the operator of a speed monitoring system shall be protected in a
3311 database with security comparable to that of the Department of Motor Vehicles' system, and used only for
3312 enforcement against individuals who violate the provisions of this section. Notwithstanding any other
3313 provision of law, all photographs, microphotographs, electronic images, or other personal information
3314 collected by a speed monitoring system shall be used exclusively for enforcing applicable speed limits
3315 and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes;
3316 (iii) be disclosed to any other entity except as may be necessary for the enforcement of a speed limit
3317 violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court
3318 in a pending action or proceeding unless the action or proceeding relates to a speed limit violation or
3319 requested upon order from a court of competent jurisdiction. Information collected under this section
3320 pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of
3321 any civil penalties. The Department of State Police when operating a speed monitoring system shall
3322 annually certify compliance with this section and make all records pertaining to such system available for
3323 inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor
3324 Vehicles or his designee. Any person who discloses personal information in violation of the provisions of
3325 this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or
3326 disclosure of such personal information shall be grounds for termination of the agreement between the
3327 Department of Motor Vehicles and the private entity.

6. A private entity may enter into an agreement with the Department of State Police to be compensated for providing the speed monitoring system or equipment, and all related support services, to include consulting, operations, and administration. The Department of State Police shall enter into an agreement for compensation based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed.

7. The Department of State Police shall evaluate the system on a monthly basis to ensure all cameras are functioning properly and shall have the speed monitoring system calibrated on a semiannual basis by an independent laboratory that is unaffiliated with the manufacturer of the speed monitoring system or equipment. Evaluation and calibration results shall be made available to the public.

8. The Department of Transportation shall place a conspicuous sign, in accordance with § 33.2-253, indicating the use of a speed monitoring system for speed enforcement in the highway safety corridor. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the speed limit violation.

9. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a speed monitoring system is owned, leased, or rented by the Commonwealth, or a county, city, or town, then the Commonwealth, county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

C. The monetary penalties imposed pursuant to this section shall be used to pay the Virginia State Police's costs for operating the program.

§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. ~~It is unlawful for any person to operate~~ while driving a moving motor vehicle on the highways in the Commonwealth ~~while using any to hold~~ a handheld personal communications device ~~to~~:

~~1. Manually enter multiple letters or text in the device as a means of communicating with another person; or~~

3353 ~~2. Read any email or text message transmitted to the device or stored within the device, provided~~
3354 ~~that this prohibition shall not apply to any name or number stored within the device nor to any caller~~
3355 ~~identification information.~~

3356 B. It is unlawful for any person while driving a moving motor vehicle in a highway work zone to
3357 hold in his hand a handheld personal communications device.

3358 C. The provisions of this section shall not apply to:

3359 1. The operator of any emergency vehicle while he is engaged in the performance of his official
3360 duties;

3361 2. An operator who is lawfully parked or stopped;

3362 ~~3. The use of factory installed or aftermarket global positioning systems (GPS) or wireless~~
3363 ~~communications devices used to transmit or receive data as part of a digital dispatch system; or~~

3364 ~~4. Any person using a handheld personal communications device to report an emergency;~~

3365 4. A person using an amateur radio or citizen band radio; or

3366 5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the
3367 Department of Transportation safety service patrol program or pursuant to a contract with the Department
3368 of Transportation for, or that includes, traffic incident management services as defined in subsection B of
3369 § 46.2-920.1 during the performance of traffic incident management services.

3370 D. A violation of subsection A is a traffic infraction punishable, for a first offense, by a fine of
3371 \$125 and, for a second or subsequent offense, by a fine of \$250. A violation of subsection B is punishable
3372 by a mandatory fine of \$250.

3373 E. For the purposes of this section:

3374 "Emergency vehicle" means:

3375 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-
3376 enforcement officer while engaged in the performance of official duties;

3377 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
3378 responding to an emergency call or operating in an emergency situation;

3379 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when
3380 traveling in response to a fire alarm or emergency call;

3381 4. Any emergency medical services vehicle designed or used for the principal purpose of supplying
3382 resuscitation or emergency medical services relief where human life is endangered;

3383 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services
3384 vehicle, when responding to an emergency call or operating in an emergency situation;

3385 6. Any Department of Corrections vehicle designated by the Director of the Department of
3386 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-
3387 related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request
3388 for assistance from a law-enforcement officer; and

3389 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and
3390 white secondary warning lights pursuant to § 46.2-1029.2.

3391 "Highway work zone" means a construction or maintenance area that is located on or beside a
3392 highway and is marked by appropriate warning signs with attached flashing lights or other traffic control
3393 devices indicating that work is in progress.

3394 F. Distracted driving shall be included as a part of the driver's license knowledge examination.

3395 **§ 46.2-1094. Occupants of front seats of motor vehicles required to use safety lap belts and**
3396 **shoulder harnesses; penalty.**

3397 A. Any driver, and any other person at least 18 years of age and occupying ~~the front seat,~~ any seat
3398 of a motor vehicle equipped or required by the provisions of this title to be equipped with a safety belt
3399 system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the
3400 appropriate safety belt system at all times while the motor vehicle is in motion on any public highway. A
3401 passenger under the age of 18 years, however, shall be protected as required by the provisions of Article
3402 13 (§ 46.2-1095 et seq.) ~~of this chapter.~~

3403 B. This section shall not apply to:

3404 1. Any person for whom a licensed physician determines that the use of such safety belt system
3405 would be impractical by reason of such person's physical condition or other medical reason, provided the

3406 person so exempted carries on his person or in the vehicle a signed written statement of the physician
3407 identifying the exempted person and stating the grounds for the exemption; or

3408 2. Any law-enforcement officer transporting persons in custody or traveling in circumstances
3409 which render the wearing of such safety belt system impractical; or

3410 3. Any person while driving a motor vehicle and performing the duties of a rural mail carrier for
3411 the United States Postal Service; or

3412 4. Any person driving a motor vehicle and performing the duties of a rural newspaper route carrier,
3413 newspaper bundle hauler or newspaper rack carrier; or

3414 5. Drivers of and passengers in taxicabs; or

3415 6. Personnel of commercial or municipal vehicles while actually engaged in the collection or
3416 delivery of goods or services, including but not limited to solid waste, where such collection or delivery
3417 requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to
3418 render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant.
3419 Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased
3420 or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited
3421 to solid waste facilities, terminals, or other location where the vehicle may be principally garaged; or

3422 7. Any person driving a motor vehicle and performing the duties of a utility meter reader; or

3423 8. Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor
3424 vehicle parking; or

3425 9. Any person in a motor vehicle not equipped with seat belts.

3426 C. Any person who violates this section shall be subject to a civil penalty of ~~twenty-five dollars~~
3427 \$25 for a first offense, \$35 for a second offense, and \$50 for a third or subsequent offense to be paid into
3428 the state treasury and credited to the Literary Fund. Upon a conviction under this section, the court shall
3429 furnish the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract
3430 of the record of such conviction, which shall become part of the person's driving record. No assignment
3431 of demerit points shall be made under Article 19 of Chapter 3 (§ 46.2-489 et seq.) ~~of this title~~ and no court
3432 costs shall be assessed for violations of this section.

3433 D. A violation of this section shall not constitute negligence, be considered in mitigation of
3434 damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any
3435 action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor
3436 vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any
3437 such civil action.

3438 E. A violation of this section may be charged on the uniform traffic summons form.

3439 F. ~~No citation for a violation of this section shall be issued unless the officer issuing such citation~~
3440 ~~has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of~~
3441 ~~this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or~~
3442 ~~any criminal statute.~~

3443 ~~G.~~ The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the
3444 provisions of this section, requiring the use of safety belt systems. The penalty for violating any such
3445 ordinance shall not exceed a fine or civil penalty of ~~twenty five dollars~~ \$25.

3446 **§ 46.2-1158. Frequency of inspection; scope of inspection.**

3447 Motor vehicles, trailers, and semitrailers required to be inspected pursuant to the provisions of §
3448 46.2-1157 shall be reinspected within ~~12~~ 24 months of the month of the first inspection and at least once
3449 every ~~12~~ 24 months thereafter.

3450 Each inspection shall be a complete inspection. A reinspection of a rejected vehicle by the same
3451 station during the period of validity of the rejection sticker on such vehicle, however, need only include
3452 an inspection of the item or items previously found defective unless there is found an obvious defect that
3453 would warrant further rejection of the vehicle.

3454 A rejection sticker shall be valid for 15 calendar days beyond the day of issuance. A complete
3455 inspection shall be performed on any vehicle bearing an expired rejection sticker.

3456 The completion of the conversion process for a converted electric vehicle shall invalidate any
3457 inspection of such vehicle conducted in accordance with this section prior to the conversion. Following
3458 the initial inspection of a converted electric vehicle, as required under § 46.2-602.3 and the provisions of
3459 this chapter, such vehicle shall be reinspected in accordance with this section.

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed ~~sixty~~ 60 days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town which has a population of less than 3,500;

4. Reduce the speed limit to less than 25 miles per hour on any highway within its boundaries that is located in a business district or residential district, provided such reduced speed limit is indicated by lawfully placed signs.

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title.

3487 D. No county whose roads are under the jurisdiction of the Department of Transportation shall
3488 designate, in terms of distance from a school, the placement of flashing warning lights unless the authority
3489 to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

3490 **§ 46.2-1507. Penalties.**

3491 Except as otherwise provided in this chapter, any person violating any of the provisions of this
3492 chapter may be assessed a civil penalty by the Board. No such civil penalty shall exceed \$1,000 for any
3493 single violation. Civil penalties collected under this chapter shall be deposited in the Commonwealth
3494 ~~Transportation Trust~~ Fund established pursuant to § 33.2-1524.

3495 **§ 46.2-1546. Registration of dealers; fees.**

3496 Every manufacturer, distributor, or dealer, before he commences to operate vehicles in his
3497 inventory for sale or resale, shall apply to the Commissioner for a dealer's certificate of vehicle registration
3498 and license plates. For the purposes of this article, a vehicle is in inventory when it is owned by or assigned
3499 to a dealer and is offered and available for sale or resale. All dealer's certificates of vehicle registration
3500 and license plates issued under this section may, at the discretion of the Commissioner, be placed in a
3501 system of staggered issue to distribute the work of issuing vehicle registration certificates and license
3502 plates as uniformly as practicable throughout the year. Dealerships which sold fewer than ~~twenty-five~~ 25
3503 vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive no more
3504 than two dealer's license plates; dealerships which sold at least ~~twenty-five~~ 25 but fewer than ~~fifty~~ 50
3505 vehicles during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive no more
3506 than four dealer's license plates. However, dealerships ~~which that~~ sold ~~fifty~~ 50 or more vehicles during
3507 their current license year may apply for additional license plates not to exceed four times the number of
3508 licensed salespersons employed by that dealership. Dealerships ~~which that~~ sold ~~fifty~~ 50 or more vehicles
3509 during the last ~~twelve~~ 12 months of the preceding license year shall be eligible to receive a number of
3510 dealer's license plates not to exceed four times the number of licensed salespersons employed by that
3511 dealership. A new applicant for a dealership shall be eligible to receive a number of dealer's license plates
3512 not to exceed four times the number of licensed salespersons employed by that dealership. For the
3513 purposes of this article, a salesperson or employee shall be considered to be employed only if he (i) works

3514 for the dealership at least ~~twenty-five~~ 25 hours each week on a regular basis and (ii) is compensated for
3515 this work. All salespersons' or employees' employment records shall be retained in accordance with the
3516 provisions of § 46.2-1529. A salesperson shall not be considered employed, within the meaning of this
3517 section, if he is an independent contractor as defined by the United States Internal Revenue Code. The fee
3518 for the issuance of dealer's license plates shall be determined by the Board, but not more than \$30 per
3519 license plate; however, the fee for the first two dealer's plates shall not be less than ~~twenty-four dollars~~
3520 \$24 and the fee for additional dealer's license plates shall not be less than ~~ten dollars and forty cents~~ \$10.40
3521 each. For the first two dealer's license plates issued by the Department to a dealer, ~~twenty-four dollars~~ \$24
3522 shall be deposited into the Commonwealth Transportation ~~Trust~~ Fund established pursuant to § 33.2-1524
3523 and the remainder shall be deposited into the Motor Vehicle Dealer Fund. For each additional dealer's
3524 license plate issued to a dealer, ~~ten dollars and forty cents~~ \$10.40 shall be deposited into the Transportation
3525 Trust Fund and the remainder shall be deposited into the Motor Vehicle Dealer Fund.

3526 **§ 46.2-1573. Hearings and other remedies; civil penalties.**

3527 A. In every case of a hearing before the Commissioner authorized under this article, the
3528 Commissioner shall give reasonable notice of each hearing to all interested parties, and the
3529 Commissioner's decision shall be binding on the parties, subject to the rights of judicial review and appeal
3530 as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. In every case of a hearing before the
3531 Commissioner authorized under this article based on a request or petition of a motor vehicle dealer, the
3532 manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a
3533 preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has
3534 good cause to take the action or actions for which the dealer has filed the petition for a hearing or that
3535 such actions are reasonable if required under the relevant provision.

3536 B. The hearing process before the Commissioner under this article shall commence within 90 days
3537 of the request for a hearing by prehearing conference between the hearing officer and the parties in person,
3538 by telephone, or by other electronic means designated by the Commissioner. The hearing officer will set
3539 the hearing on a date or dates consistent with the rights of due process of the parties. The Commissioner's
3540 decision shall be rendered within 60 days from the receipt of the hearing officer's recommendation.

3541 Hearings authorized under this article shall be presided over by a hearing officer selected from a list
3542 prepared by the Executive Secretary of the Supreme Court of Virginia within 60 days following the request
3543 for a hearing. Reasonable efforts shall be made to ensure that a hearing officer shall have at least five years
3544 of experience as a hearing officer in administrative hearings in the Commonwealth, shall have telephone
3545 and email capability, and shall be an active member of the Virginia State Bar. On request of the
3546 Commissioner, the Executive Secretary will name a hearing officer from the list, selected on a rotation
3547 system administered by the Executive Secretary. The hearing officer shall provide recommendations to
3548 the Commissioner within 90 days of the conclusion of the hearing.

3549 C. Notwithstanding any contrary provision of this article, the Commissioner shall initiate
3550 investigations, conduct hearings, and determine the rights of parties under this article whenever he is
3551 provided information by the Motor Vehicle Dealer Board or any other person indicating a possible
3552 violation of any provision of this article. The Commissioner shall issue a response to the Motor Vehicle
3553 Dealer Board or person reporting the alleged violation and any other party to the investigation providing
3554 an explanation of action taken under this section and the reason for such action.

3555 D. For purposes of any matter brought to the Commissioner under subdivisions 3, 4, 5, 6 and 7b
3556 of § 46.2-1569 with respect to which the Commissioner is to determine whether there is good cause for a
3557 proposed action or whether it would be unreasonable under the circumstances, the Commissioner shall
3558 consider:

- 3559 1. The volume of the affected dealer's business in the relevant market area;
3560 2. The nature and extent of the dealer's investment in its business;
3561 3. The adequacy of the dealer's capitalization to the franchisor's standards and the adequacy of the
3562 dealer's facilities, equipment, parts, supplies, and personnel;
3563 4. The effect of the proposed action on the community;
3564 5. The extent and quality of the dealer's service under motor vehicle warranties;
3565 6. The dealer's performance under the terms of its franchise;
3566 7. Other economic and geographical factors reasonably associated with the proposed action; and

3567 8. The recommendations, if any, from a three-member panel composed of members of the Board
3568 who are franchised dealers not of the same line-make involved in the hearing and who are appointed to
3569 the panel by the Commissioner.

3570 E. An interested party in a hearing held pursuant to subsection A of this section shall comply with
3571 the effective date of compliance established by the Commissioner in his decision in such hearing, unless
3572 a stay or extension of such date is granted by the Commissioner or the Commissioner's decision is under
3573 judicial review and appeal as provided in subsection A of this section. If, after notice to such interested
3574 party and an opportunity to comment, the Commissioner finds an interested party has not complied with
3575 his decision by the designated date of compliance, unless a stay or extension of such date has been granted
3576 by the Commissioner or the Commissioner's decision is under judicial review and appeal, the
3577 Commissioner may assess such interested party a civil penalty not to exceed \$1,000 per day of
3578 noncompliance. Civil penalties collected under this subsection shall be deposited into the Commonwealth
3579 Transportation-Trust Fund established pursuant to § 33.2-1524.

3580 F. During the hearing process, parties may obtain documents and materials by discovery pursuant
3581 to Rules 4:9 and 4:9A of the Supreme Court of Virginia. The parties shall exchange reports of experts,
3582 which shall meet the standard of Rule 4:1 of the Supreme Court of Virginia, at times to be established by
3583 the hearing officer. The parties may utilize any other form of discovery provided under the Rules of
3584 Supreme Court of Virginia if allowed by the hearing officer based on good cause shown. For discovery
3585 permitted under the Rules of Supreme Court of Virginia, a party may object to the discovery sought or
3586 seek to limit the discovery sought on any grounds permitted by the Rules or applicable law.

3587 **§ 58.1-608.3. Entitlement to certain sales tax revenues.**

3588 A. As used in this section, the following words and terms have the following meanings, unless
3589 some other meaning is plainly intended:

3590 "Bonds" means any obligations of a municipality for the payment of money.

3591 "Cost," as applied to any public facility or to extensions or additions to any public facility, includes:

3592 (i) the purchase price of any public facility acquired by the municipality or the cost of acquiring all of the
3593 capital stock of the corporation owning the public facility and the amount to be paid to discharge any

3594 obligations in order to vest title to the public facility or any part of it in the municipality; (ii) expenses
3595 incident to determining the feasibility or practicability of the public facility; (iii) the cost of plans and
3596 specifications, surveys and estimates of costs and of revenues; (iv) the cost of all land, property, rights,
3597 easements and franchises acquired; (v) the cost of improvements, property or equipment; (vi) the cost of
3598 engineering, legal and other professional services; (vii) the cost of construction or reconstruction; (viii)
3599 the cost of all labor, materials, machinery and equipment; (ix) financing charges; (x) interest before and
3600 during construction and for up to one year after completion of construction; (xi) start-up costs and
3601 operating capital; (xii) payments by a municipality of its share of the cost of any multijurisdictional public
3602 facility; (xiii) administrative expense; (xiv) any amounts to be deposited to reserve or replacement funds;
3603 and (xv) other expenses as may be necessary or incident to the financing of the public facility. Any
3604 obligation or expense incurred by the public facility in connection with any of the foregoing items of cost
3605 may be regarded as a part of the cost.

3606 "Municipality" means any county, city, town, authority, commission, or other public entity.

3607 "Public facility" means (i) any auditorium, coliseum, convention center, or conference center,
3608 which is owned by a Virginia county, city, town, authority, or other public entity and where exhibits,
3609 meetings, conferences, conventions, seminars, or similar public events may be conducted; (ii) any hotel
3610 which is owned by a foundation whose sole purpose is to benefit a baccalaureate public institution of
3611 higher education in the Commonwealth and which is attached to and is an integral part of such facility,
3612 together with any lands reasonably necessary for the conduct of the operation of such events; (iii) any
3613 hotel which is attached to and is an integral part of such facility; (iv) any hotel that is adjacent to a
3614 convention center owned by a public entity and where the hotel owner enters into a public-private
3615 partnership whereby the locality contributes infrastructure, real property, or conference space; or (v) a
3616 sports complex consisting of a minor league baseball stadium and related tournament, training, and
3617 parking facilities, where a municipality owns a component of the sports complex. However, such public
3618 facility must be located in the City of Fredericksburg, City of Hampton, City of Lynchburg, City of
3619 Newport News, City of Norfolk, City of Portsmouth, City of Richmond, City of Roanoke, City of Salem,
3620 City of Staunton, City of Suffolk, City of Virginia Beach, City of Winchester, or Town of Wise. Any

3621 property, real, personal, or mixed, which is necessary or desirable in connection with any such auditorium,
3622 coliseum, convention center, sports complex, or conference center, including, without limitation, facilities
3623 for food preparation and serving, parking facilities, and office space, is encompassed within this definition.
3624 However, structures commonly referred to as "shopping centers" or "malls" shall not constitute a public
3625 facility hereunder. A public facility shall not include residential condominiums, townhomes, or other
3626 residential units. In addition, only a new public facility, or a public facility which will undergo a substantial
3627 and significant renovation or expansion, shall be eligible under subsection C. A new public facility is one
3628 whose construction began after December 31, 1991. A substantial and significant renovation entails a
3629 project whose cost is at least 50 percent of the original cost of the facility being renovated and shall have
3630 begun after December 31, 1991. A substantial and significant expansion entails an increase in floor space
3631 of at least 50 percent over that existing in the preexisting facility and shall have begun after December 31,
3632 1991; or an increase in floor space of at least 10 percent over that existing in a public facility that qualified
3633 as such under this section and was constructed after December 31, 1991.

3634 "Sales tax revenues" means such tax collections realized under the Virginia Retail Sales and Use
3635 Tax Act (§ 58.1-600 et seq.), as limited herein. "Sales tax revenues" does not include the revenue generated
3636 by (i) the 0.5 percent sales and use tax increase enacted by the 1986 Special Session of the General
3637 Assembly which shall be paid to the Commonwealth Transportation Trust Fund as defined in established
3638 pursuant to § 33.2-1524, (ii) the 1.0 percent of the state sales and use tax revenue distributed among the
3639 counties and cities of the Commonwealth pursuant to subsection D of § 58.1-638 on the basis of school
3640 age population, or (iii) any sales and use tax revenues generated by increases or allocation changes
3641 imposed by the 2013 Session of the General Assembly.

3642 B. Notwithstanding the definition of "public facility" in subsection A, a development project that
3643 meets the requirements for a "development of regional impact" set forth herein shall be deemed to be a
3644 public facility under the provisions of this section. The locality in which the public facility is located shall
3645 be entitled to all sales tax revenues generated by transactions taking place at such public facility solely to
3646 pay the cost of any bonds issued to pay the cost, or portion thereof, of such public facility pursuant to

3647 subsection C. For purposes of this subsection, the development of regional impact must be located in the
3648 City of Bristol.

3649 For purposes of this subsection, a "development of regional impact" means a development project
3650 (i) towards which the locality contributes infrastructure or real property as part of a public-private
3651 partnership with the developer that is equal to at least 20 percent of the aggregate cost of development,
3652 (ii) that is reasonably expected to require a capital investment of at least \$50 million, (iii) that is reasonably
3653 expected to generate at least \$5 million annually in state sales and use tax revenue from sales within the
3654 development, (iv) that is reasonably expected to attract at least one million visitors annually, (v) that is
3655 reasonably expected to create at least 2,000 permanent jobs, (vi) that is located in a locality that had a rate
3656 of unemployment at least three percentage points higher than the statewide average in November 2011,
3657 and (vii) that is located in a locality that is adjacent to a state that has adopted a Border Region Retail
3658 Tourism Development District Act. Within 30 days from the date of notification by a locality that it intends
3659 to contribute infrastructure or real property as part of a public-private partnership with the developer of a
3660 development of regional impact, the Department of Taxation shall review the findings of the locality with
3661 respect to clauses (i) through (vi) and shall file a written report with the Chairmen of the House Committee
3662 on Finance, the House Committee on Appropriations, and the Senate Committee on Finance.

3663 C. Any municipality which has issued bonds (i) after December 31, 1991, but before January 1,
3664 1996, (ii) on or after January 1, 1998, but before July 1, 1999, (iii) on or after January 1, 1999, but before
3665 July 1, 2001, (iv) on or after July 1, 2000, but before July 1, 2003, (v) on or after July 1, 2001, but before
3666 July 1, 2005, (vi) on or after July 1, 2004, but before July 1, 2007, (vii) on or after July 1, 2009, but before
3667 July 1, 2012, (viii) on or after January 1, 2011, but prior to July 1, 2015, or (ix) on or after January 1,
3668 2013, but prior to July 1, 2020, to pay the cost, or portion thereof, of any public facility shall be entitled
3669 to all sales tax revenues generated by transactions taking place in such public facility. In the case of a
3670 public facility described in clause (v) of the definition of public facility, all such sales tax revenues shall
3671 be applied solely to repayment of the bonds issued to pay the cost, or portion thereof, of the municipality-
3672 owned component of the sports complex. Such entitlement shall continue for the lifetime of such bonds,
3673 or any refinancing or refunding thereof, but in no event shall such entitlement exceed 35 years from the

3674 initial date that any bonds were issued to pay the cost, or a portion thereof, of any public facility, and all
3675 such sales tax revenues shall be applied to repayment of the bonds. The State Comptroller shall remit such
3676 sales tax revenues to the municipality on a quarterly basis, subject to such reasonable processing delays
3677 as may be required by the Department of Taxation to calculate the actual net sales tax revenues derived
3678 from the public facility. The State Comptroller shall make such remittances to eligible municipalities, as
3679 provided herein, notwithstanding any provisions to the contrary in the Virginia Retail Sales and Use Tax
3680 Act (§ 58.1-600 et seq.). No such remittances shall be made until construction is completed and, in the
3681 case of a renovation or expansion, until the governing body of the municipality has certified that the
3682 renovation or expansion is completed; however, in the case of any public facility consisting of more than
3683 one building or structure, such remittances shall be made on a quarterly basis beginning with the first
3684 quarter in which any sales tax revenue is generated by transactions taking place at any building or structure
3685 within such public facility, whether or not construction of all or any portion, phase, building, or structure
3686 of such public facility has been completed.

3687 D. Nothing in this section shall be construed as authorizing the pledging of the faith and credit of
3688 the Commonwealth of Virginia, or any of its revenues, for the payment of any bonds. Any appropriation
3689 made pursuant to this section shall be made only from sales tax revenues derived from the public facility
3690 for which bonds may have been issued to pay the cost, in whole or in part, of such public facility.

3691 **§ 58.1-638. Disposition of state sales and use tax revenue.**

3692 A. The Comptroller shall designate a specific revenue code number for all the state sales and use
3693 tax revenue collected under the preceding sections of this chapter.

3694 ~~4.~~The sales and use tax revenue generated by the one-half percent sales and use tax increase
3695 enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter
3696 provided in this section, to the Commonwealth Transportation ~~Trust~~ Fund ~~as defined in established~~
3697 pursuant to § 33.2-1524. ~~Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent~~
3698 ~~shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent~~
3699 ~~shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.7~~
3700 ~~percent shall be set aside as the Commonwealth Mass Transit Fund as provided in this section.~~ The Fund's

3701 share of such net revenue shall be computed as an estimate of the net revenue to be received into the state
3702 treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in
3703 the preceding month. All payments shall be made to the Fund on the last day of each month.

3704 ~~2. There is hereby created in the Department of the Treasury a special nonreverting fund which~~
3705 ~~shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port~~
3706 ~~Fund.~~

3707 ~~a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the~~
3708 ~~funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain~~
3709 ~~in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be~~
3710 ~~paid to any authority, locality or commission for the purposes hereinafter specified.~~

3711 ~~b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth~~
3712 ~~Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support~~
3713 ~~port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within~~
3714 ~~the Commonwealth. Expenditures for such capital needs are restricted to those capital projects specified~~
3715 ~~in subsection B of § 62.1-132.1.~~

3716 ~~c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the~~
3717 ~~Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports~~
3718 ~~of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.~~

3719 ~~3. There is hereby created in the Department of the Treasury a special nonreverting fund which~~
3720 ~~shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport~~
3721 ~~Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any~~
3722 ~~funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain~~
3723 ~~in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be~~
3724 ~~allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be~~
3725 ~~allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth,~~
3726 ~~a governmental subdivision thereof, or a private entity to which the public has access for the purposes~~

3727 enumerated in ~~§ 5.1-2.16~~, or is owned or leased by the Metropolitan Washington Airports Authority
3728 (MWAA), as follows:

3729 Any new funds in excess of ~~\$12.1 million~~ which are available for allocation by the Virginia
3730 Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent
3731 to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as
3732 provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier
3733 airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it
3734 received in fiscal year 1994-1995.

3735 Of the remaining amount:

3736 a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or
3737 leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at
3738 all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however,
3739 shall receive less than \$50,000 nor more than \$2 million per year from this provision.

3740 b. Sixty percent of the funds shall be allocated as follows:

3741 (1) For the first six months of each fiscal year, the funds shall be allocated as follows:

3742 (a) Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever
3743 airports on a discretionary basis, except airports owned or leased by MWAA; and

3744 (b) Twenty percent of the funds shall be allocated by the Aviation Board for general aviation
3745 airports on a discretionary basis; and

3746 (2) For the second six months of each fiscal year, all remaining funds shall be allocated by the
3747 Aviation Board for all eligible airports on a discretionary basis, except airports owned or leased by
3748 MWAA.

3749 3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall
3750 be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight
3751 Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and
3752 the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall
3753 remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

3754 a. ~~The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall~~
3755 ~~be allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia~~
3756 ~~Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating~~
3757 ~~costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.~~

3758 b. ~~Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the~~
3759 ~~Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the commercial~~
3760 ~~space flight industry in Virginia.~~

3761 4. ~~There is hereby created in the Department of the Treasury a special nonreverting fund which~~
3762 ~~shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass~~
3763 ~~Transit Fund.~~

3764 a. ~~The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller~~
3765 ~~and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but~~
3766 ~~shall remain in the Fund. Interest earned on such funds shall be credited to the Fund.~~

3767 b. ~~The amounts allocated pursuant to § 33.2-1526.1 shall be used to support the operating, capital,~~
3768 ~~and administrative costs of public transportation at a state share determined by the Commonwealth~~
3769 ~~Transportation Board, and these amounts may be used to support the capital project costs of public~~
3770 ~~transportation and ridesharing equipment, facilities, and associated costs at a state share determined by~~
3771 ~~the Commonwealth Transportation Board. Capital costs may include debt service payments on local or~~
3772 ~~agency transit bonds.~~

3773 c. ~~There is hereby created in the Department of the Treasury a special nonreverting fund known as~~
3774 ~~the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the~~
3775 ~~Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be~~
3776 ~~established on the books of the Comptroller and consist of such moneys as are appropriated to it by the~~
3777 ~~General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given,~~
3778 ~~bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds~~
3779 ~~remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the~~
3780 ~~general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within~~

~~the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. The Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the recipient.~~

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of the Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such

3808 population estimate produced by the Weldon Cooper Center for Public Service of the University of
3809 Virginia shall account for individuals receiving services in state hospitals, state training centers, or mental
3810 health facilities, persons who are confined in state or federal correctional institutions, or persons who
3811 attend the Virginia School for the Deaf and the Blind within the school division in which the parents or
3812 guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center
3813 for Public Service of the University of Virginia shall account for persons who attend institutions of higher
3814 education within the school division in which the student's parents or guardians legally reside. To such
3815 estimate, the Department of Education shall add the population of students with disabilities, ages two
3816 through four and 20 through 21, as provided to the Department of Education by school divisions. The
3817 revenue so apportionable and distributable is hereby appropriated to the several counties and cities for
3818 maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the
3819 operation of the public schools, which shall be considered as funds raised from local resources. In any
3820 county, however, wherein is situated any incorporated town constituting a school division, the county
3821 treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest
3822 payments, or other expenses incurred in the operation of the public schools, the proper proportionate
3823 amount received by him in the ratio that the school population of such town bears to the school population
3824 of the entire county. If the school population of any city or of any town constituting a school division is
3825 increased by the annexation of territory since the last estimate of school population provided by the
3826 Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added
3827 to the school population of such city or town as shown by the last such estimate and a proper reduction
3828 made in the school population of the county or counties from which the annexed territory was acquired.

3829 E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a
3830 two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting
3831 equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-
3832 watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most
3833 recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce,
3834 Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be

3835 paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the
3836 cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall
3837 transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund.
3838 At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal
3839 to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred
3840 to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the
3841 Board, after deduction of other amounts which accrue to the Board and are set aside for the Game
3842 Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement
3843 Fund is less than \$35 million.

3844 F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales
3845 and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General
3846 Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education
3847 Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an
3848 amount equivalent to one-half of the net revenue generated from such one-half percent increase as
3849 provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate
3850 Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and
3851 collected in the succeeding month) from such one-half percent increase for the month of August 2004 and
3852 for each month thereafter.

3853 2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the
3854 revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education
3855 Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be
3856 used for the state's share of Standards of Quality basic aid payments.

3857 3. For the purposes of the Comptroller making the required transfers under subdivision 1 and 2,
3858 the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth
3859 of each month certifying the sales and use tax revenues generated in the preceding month. Within three
3860 calendar days of receiving such certification, the Comptroller shall make the required transfers to the
3861 Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

3862 G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue,
3863 an amount equal to ~~the following percentages~~ 20 percent of the revenue generated by a one-half percent
3864 sales and use tax, such as that paid to the Commonwealth Transportation ~~Trust~~ Fund as provided in
3865 ~~subdivision subsection A-1~~, shall be paid to the ~~Highway Maintenance and Operating~~ Commonwealth
3866 Transportation Fund established pursuant to ~~§ 33.2-1530~~:

- 3867 1. ~~For fiscal year 2014, an amount equal to 10 percent;~~
3868 2. ~~For fiscal year 2015, an amount equal to 20 percent;~~
3869 3. ~~For fiscal year 2016, an amount equal to 30 percent; and~~
3870 4. ~~For fiscal year 2017 and thereafter, an amount equal to 35 percent~~ § 33.2-1524.

3871 The Highway Maintenance and Operating Fund's share of the net revenue distributable under this
3872 subsection shall be computed as an estimate of the net revenue to be received into the state treasury each
3873 month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding
3874 month. All payments shall be made to the Fund on the last day of each month.

3875 H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales
3876 and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614
3877 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

3878 2. The additional revenue generated by increases in the state sales and use tax from Planning
3879 District 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the
3880 Comptroller in the fund established under § 33.2-2600.

3881 3. The additional revenue generated by increases in the state sales and use tax in any other Planning
3882 District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special
3883 funds that shall be established by appropriate legislation.

3884 4. The net revenues distributable under this subsection shall be computed as an estimate of the net
3885 revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for
3886 the actual net revenue received in the preceding month. All payments shall be made to the appropriate
3887 funds on the last day of each month.

3888 I. (For contingent expiration date, see Acts 2018, c. 850) The additional revenue generated by
3889 increases in the state sales and use tax from the Historic Triangle pursuant to § 58.1-603.2 shall be
3890 deposited by the Comptroller as follows: (i) 50 percent shall be deposited into the Historic Triangle
3891 Marketing Fund established pursuant to subsection E of § 58.1-603.2; and (ii) 50 percent shall be deposited
3892 in the special fund created pursuant to subdivision D 2 of § 58.1-603.2 and distributed to the localities in
3893 which the revenues were collected. The net revenues distributable under this subsection shall be computed
3894 as an estimate of the net revenues to be received by the state treasury each month, and such estimated
3895 payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall
3896 be made to the appropriate funds on the last day of each month.

3897 J. Beginning July 1, 2020, the first \$40 million of sales and use taxes remitted by online retailers
3898 with a physical nexus established pursuant to subsection D of § 58.1-612 shall be deposited into the Major
3899 Headquarters Workforce Grant Fund established pursuant to § 59.1-284.31.

3900 K. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall
3901 be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

3902 L. The term "net revenue," as used in this section, means the gross revenue received into the
3903 general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this
3904 chapter, less refunds to taxpayers.

3905 **§ 58.1-638.3. (Contingent expiration date) Disposition of 0.3 percent state and local sales tax**
3906 **for transportation.**

3907 A. The sales and use tax revenue generated by the 0.3 percent sales and use tax increase enacted
3908 by the 2013 Session of the General Assembly shall be ~~allocated as follows:~~

3909 ~~1. An amount equal to a 0.175 percent sales and use tax shall be deposited into the Highway~~
3910 ~~Maintenance and Operating Fund established pursuant to § 33.2-1530;~~

3911 ~~2. An amount equal to a 0.05 percent sales and use tax shall be deposited into the Intercity~~
3912 ~~Passenger Rail Operating and Capital Fund established under § 33.2-1603; and~~

3913 3. ~~An amount equal to a 0.075 percent sales and use tax shall be deposited into the Commonwealth~~
3914 ~~Mass Transit Fund~~ deposited into the Commonwealth Transportation Fund established pursuant to § 33.2-
3915 1524.

3916 B. The net revenues distributable under this section shall be computed as an estimate of the net
3917 revenue to be received by the state treasury each month, and such estimated payment shall be adjusted for
3918 the actual net revenue received in the preceding month. All payments shall be made to the funds set forth
3919 in subsection A on the last day of each month.

3920 **§ 58.1-802.3. Regional transportation improvement fee.**

3921 In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated
3922 as the "regional WMATA capital fee," is hereby imposed on each deed, instrument, or writing by which
3923 lands, tenements, or other realty located in any county or city that is a member of the Northern Virginia
3924 Transportation Authority is sold and is granted, assigned, transferred, or otherwise conveyed to or vested
3925 in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the
3926 consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be ~~\$0.15~~ \$0.10
3927 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at
3928 the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

3929 The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of
3930 the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.

3931 No such deed, instrument, or other writing shall be admitted to record unless certification of the
3932 clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been
3933 paid.

3934 Fees imposed by this section shall be collected by the clerk of the court. For fees collected in a
3935 county or city located in a transportation district established pursuant to Chapter 19 (§ 33.2-1900 et seq.)
3936 of Title 33.2 that as of January 1, 2018, meets the criteria established in § 33.2-1936 shall be transferred
3937 to the state treasury as soon as practicable and deposited into the fund established in § 33.2-3401. The fees
3938 collected in any other county or city in which the fee is imposed shall be retained by the county or city,
3939 and shall be used solely for transportation purposes.

§ 58.1-802.4. Regional congestion relief fee.

In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as the "regional congestion relief fee," is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city in a planning district described in this section is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The fee shall be imposed in a planning district established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of two million or more, as shown by the most recent United States census, has not less than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 50 million riders per year across all transit systems within the planning district or (ii) as shown by the most recent United States census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.10 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance. In any case in which the fee is imposed pursuant to clause (ii) such fee shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria under such clause have been met.

The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.

No such deed, instrument, or other writing shall be admitted to record unless certification of the clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has been paid.

Fees imposed by this section shall be collected by the clerk of the court and deposited into the state treasury as soon as practicable. Such fees shall then be deposited into special funds established by law. In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2509. For additional planning districts that may become subject to this section, funds shall be established by appropriate legislation.

3967 § 58.1-811. (Contingent expiration date) Exemptions.

3968 A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real
3969 estate or lease of real estate:

3970 1. To an incorporated college or other incorporated institution of learning not conducted for profit,
3971 where such real estate is intended to be used for educational purposes and not as a source of revenue or
3972 profit;

3973 2. To an incorporated church or religious body or to the trustee or trustees of any church or
3974 religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used
3975 exclusively for religious purposes, or for the residence of the minister of any such church or religious
3976 body;

3977 3. To the United States, the Commonwealth, or to any county, city, town, district, or other political
3978 subdivision of the Commonwealth;

3979 4. To the Virginia Division of the United Daughters of the Confederacy;

3980 5. To any nonstock corporation organized exclusively for the purpose of owning or operating a
3981 hospital or hospitals not for pecuniary profit;

3982 6. To a corporation upon its organization by persons in control of the corporation in a transaction
3983 which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it
3984 exists at the time of the conveyance;

3985 7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in
3986 a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal
3987 Revenue Code as it exists at the time of liquidation;

3988 8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited
3989 liability company upon a merger or consolidation to which two or more such entities are parties, or in a
3990 reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

3991 9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a
3992 parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal
3993 Revenue Code as amended;

3994 10. To a partnership or limited liability company, when the grantors are entitled to receive not less
3995 than 50 percent of the profits and surplus of such partnership or limited liability company, provided that
3996 the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the
3997 company to avoid recordation taxes;

3998 11. From a partnership or limited liability company, when the grantees are entitled to receive not
3999 less than 50 percent of the profits and surplus of such partnership or limited liability company, provided
4000 that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of
4001 the company to avoid recordation taxes;

4002 12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries
4003 of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust
4004 instrument, when no consideration has passed between the grantor and the beneficiaries;

4005 13. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal
4006 Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or
4007 rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would
4008 be unable to afford to buy a home through conventional means;

4009 14. When it is a deed of partition, or any combination of deeds simultaneously executed and having
4010 the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

4011 15. When it is a deed transferring property pursuant to a decree of divorce or of separate
4012 maintenance or pursuant to a written instrument incident to such divorce or separation.

4013 B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

4014 1. Given by an incorporated college or other incorporated institution of learning not conducted for
4015 profit;

4016 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church
4017 or religious body, or given by a corporation mentioned in § 57-16.1;

4018 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or
4019 operating a hospital or hospitals not for pecuniary profit;

- 4020 4. Given by any local governmental entity or political subdivision of the Commonwealth to secure
4021 a debt payable to any other local governmental entity or political subdivision;
- 4022 5. Securing a loan made by an organization described in subdivision A 13;
- 4023 6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower
4024 whose household income does not exceed 80 percent of the area median household income established by
4025 the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a
4026 home for such borrower, including the purchase of land for such home; or
- 4027 7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.
- 4028 C. The tax imposed by § 58.1-802 and the fee imposed by ~~§§~~ 58.1-802.3 and 58.1-802.4 shall
4029 not apply to any:
- 4030 1. Transaction described in subdivisions A 6 through 12, 14, and 15;
- 4031 2. Instrument or writing given to secure a debt;
- 4032 3. Deed conveying real estate from an incorporated college or other incorporated institution of
4033 learning not conducted for profit;
- 4034 4. Deed conveying real estate from the United States, the Commonwealth or any county, city,
4035 town, district, or other political subdivision thereof;
- 4036 5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other
4037 political subdivision thereof, if such political unit is required by law to reimburse the parties taxable
4038 pursuant to § 58.1-802 or subject to the fee under § 58.1-802.3; or
- 4039 6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an
4040 incorporated church or religious body, or from a corporation mentioned in § 57-16.1.
- 4041 D. No recordation tax shall be required for the recordation of any deed of gift between a grantor
4042 or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed
4043 shall state therein that it is a deed of gift.
- 4044 E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the
4045 Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

4046 F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.3, 58.1-807, 58.1-808, and 58.1-
4047 814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature
4048 Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where
4049 such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving
4050 wilderness, natural, or open space areas.

4051 G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees
4052 mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

4053 H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual
4054 right, if the release is contained within a single deed that performs more than one function, and at least
4055 one of the other functions performed by the deed is subject to the recordation tax.

4056 I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement,
4057 release, or other document recorded in connection with a concession pursuant to the Public-Private
4058 Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

4059 J. No recordation tax shall be required for the recordation of any transfer on death deed or any
4060 revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act
4061 (§ 64.2-621 et seq.) when no consideration has passed between the parties.

4062 K. No recordation tax levied pursuant to this chapter shall be required for the recordation of any
4063 deed of distribution when no consideration has passed between the parties. Such deed shall state therein
4064 on the front page that it is a deed of distribution. As used in this subsection, "deed of distribution" means
4065 a deed conveying property from an estate or trust (i) to the original beneficiaries of a trust from the trustees
4066 holding title under a deed in trust; (ii) the purpose of which is to comply with a devise or bequest in the
4067 decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance
4068 with a dispositive provision in the trust instrument; (iii) that carries out the exercise of a power of
4069 appointment; or (iv) is pursuant to the exercise of the power under the Uniform Trust Decanting Act (§
4070 64.2-779.1 et seq.).

4071 § 58.1-815.4. (Contingent expiration dates) Distribution of recordation tax to the
4072 Commonwealth Transportation Fund.

Of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the Comptroller into the Commonwealth—~~Mass Transit~~ Transportation Fund established pursuant to ~~subdivision A 4 of § 58.1-638~~ 33.2-1524.

§ 58.1-816. Distribution of recordation tax to cities and counties.

A. Effective October 1, 1993, twenty million dollars of the taxes imposed under §§ 58.1-801 through 58.1-809 which are actually paid into the state treasury, shall be distributed among the counties and cities of this Commonwealth, except for counties and cities located in Planning District 8, in the manner provided in subsection B of this section. Effective July 1, 1994, such annual distribution shall increase to forty million dollars. Effective July 1, 2021, such annual distribution shall be \$20 million.

B. Subject to any ~~transfers~~ transfer required under ~~§§ 33.2-2400 and~~ § 58.1-816.1, the share of the state taxes distributable under this section among the counties and cities shall be apportioned and distributed quarterly to each county or city by the Comptroller by multiplying the amount to be distributed by a fraction in which the numerator is the amount of the taxes imposed under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in the county or city and the denominator is the amount of taxes imposed under §§ 58.1-801 through 58.1-809 actually paid into the state treasury. All distributions pursuant to this section shall be made on a quarterly basis within thirty days of the end of the quarter. Such quarterly distribution shall equal ten million dollars. Each clerk of the court shall certify to the Comptroller, within fifteen days after the end of the quarter, all amounts collected under §§ 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and other instruments recorded in such county or city.

C. All moneys distributed to counties and cities pursuant to this section shall be used for (i) transportation purposes, including, without limitation, construction, administration, operation, improvement, maintenance and financing of transportation facilities, or (ii) public education.

As used in this section, the term "transportation facilities" shall include all transportation-related facilities including, but not limited to, all highway systems, public transportation or mass transit systems

4099 as defined in § 33.2-100, airports as defined in § 5.1-1, and port facilities as defined in § 62.1-140. Such
4100 term shall be liberally construed for purposes of this section.

4101 D. If any revenues distributed to a county or city under subsection C of this section are applied or
4102 expended for any transportation facilities under the control and jurisdiction of any state agency, board,
4103 commission or authority, such transportation facilities shall be constructed, operated, administered,
4104 improved and maintained in accordance with laws, rules, regulations, policies and procedures governing
4105 such state agency, board, commission or authority; however, in the event these revenues, or a portion
4106 thereof, are expended for improving or constructing highways in a county which is subject to the
4107 provisions of § 33.2-338, such expenditures shall be undertaken in the manner prescribed in that statute.

4108 E. In the case of any distribution to a county or city in which an office sharing agreement pursuant
4109 to §§ 15.2-1637 and 15.2-3822 is in effect, the Comptroller shall divide the distribution among the office
4110 sharing counties and cities. Each clerk of the court acting pursuant to an office sharing agreement shall
4111 certify to the Comptroller, within fifteen days after the end of the quarter, all amounts collected under §§
4112 58.1-801 through 58.1-809 and actually paid into the state treasury which are attributable to deeds and
4113 other instruments recorded on behalf of each county and city.

4114 **§ 58.1-1741. Disposition of revenues.**

4115 ~~A.~~ After the direct costs of administering this article are recovered by the Department of Taxation,
4116 the remaining revenues collected hereunder by the Tax Commissioner shall be forthwith paid into the state
4117 treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the
4118 Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall
4119 be available for use in subsequent years for the purposes set forth in this article, and any interest income
4120 on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is
4121 hereby allocated for the construction, reconstruction, and maintenance of highways and the regulation of
4122 traffic thereon and for no other purpose. However, (i) all funds collected from the additional tax imposed
4123 by subdivision A 2 of § 58.1-1736 on the rental of daily rental vehicles shall be distributed quarterly to
4124 the county, city, or town wherein such vehicle was delivered to the rentee; (ii) except as provided in clause
4125 (iii), an amount equivalent to the net additional revenues from the motor vehicle rental tax generated by

4126 enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694,
4127 46.2-697, and by §§ 58.1-1735, 58.1-1736 and this section, shall be distributed to and paid into the
4128 Commonwealth Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the
4129 Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation
4130 Board for transportation needs; (iii) all moneys collected from the tax on the gross proceeds from the
4131 rental in Virginia of any motor vehicle pursuant to subdivision A 1 of § 58.1-1736 at the tax rate in effect
4132 on December 31, 1986, shall be paid by the Tax Commissioner into the state treasury and two-thirds of
4133 which shall be paid into the ~~Rail Enhancement~~ Commonwealth Transportation Fund established by § 33.2-
4134 ~~1601~~ pursuant to § 33.2-1524 and one-third of which shall be deposited into the Washington Metropolitan
4135 Area Transit Authority Capital Fund pursuant to § 33.2-3401; and (iv) all additional revenues resulting
4136 from the fee imposed under subdivision A 3 of § 58.1-1736 shall be used to pay the debt service on the
4137 bonds issued by the Virginia Public Building Authority for the Statewide Agencies Radio System
4138 (STARS) for the Department of State Police pursuant to the authority granted by the 2004 Session of the
4139 General Assembly.

4140 ~~B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation~~
4141 ~~Trust Fund pursuant to subdivision A 2, an aggregate of 4.2 percent shall be set aside as the~~
4142 ~~Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport~~
4143 ~~Fund; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund.~~

4144 **§ 58.1-1743. Transportation district transient occupancy tax.**

4145 In addition to all other fees and taxes imposed under law, there is hereby imposed an additional
4146 transient occupancy tax at the rate of ~~two~~ three percent of the amount of the charge for the occupancy of
4147 any room or space occupied in any county or city located in a transportation district established pursuant
4148 to Chapter 19 (§ 33.2-1900 et seq.) of Title 33.2 that as of January 1, 2018, meets the criteria established
4149 in § 33.2-1936.

4150 The tax imposed under this section shall be imposed only for the occupancy of any room or space
4151 that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

4152 The tax imposed under this section shall be administered by the locality in which the room or space
4153 is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis
4154 mutandis, except as herein provided. The revenue generated and collected from the tax shall be deposited
4155 by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the Comptroller into
4156 special funds established by law. In the case of the Northern Virginia Transportation District, the revenue
4157 generated and collected therein shall be deposited into the fund established in § 33.2-3401. For additional
4158 transportation districts that may become subject to this section, funds shall be established by appropriate
4159 legislation.

4160 **§ 58.1-2217. Taxes levied; rate.**

4161 ~~A. There is hereby levied a tax at the rate of seventeen and one half cents per gallon on gasoline~~
4162 ~~and gasohol. Beginning January 1, 2015, the tax rate shall be 5.1 percent of the statewide average~~
4163 ~~wholesale price of a gallon of unleaded regular gasoline for the applicable base period, excluding federal~~
4164 ~~and state excise taxes, as determined by the Commissioner.~~

4165 ~~In computing the average wholesale price of a gallon of gasoline, the Commissioner shall use the~~
4166 ~~period from December 1 through May 31 as the base period for such determination for the immediately~~
4167 ~~following period beginning July 1 and ending December 31, inclusive. The period from June 1 through~~
4168 ~~November 30 shall be the next base period for the immediately following period beginning January 1 and~~
4169 ~~ending June 30, inclusive. In no case shall the average wholesale price computed for purposes of this~~
4170 ~~section be less than the statewide average wholesale price of a gallon of unleaded regular gasoline on~~
4171 ~~February 20, 2013. There is hereby levied an excise tax on gasoline and gasohol as follows:~~

- 4172 1. On an after July 1, 2020, but before July 1, 2021, the rate shall be 20.2 cents per gallon;
4173 2. On and after July 1, 2021, but before July 1, 2022, the rate shall be 24.2 cents per gallon;
4174 3. On and after July 1, 2022, but before July 1, 2023, the rate shall be 28.2 cents per gallon; and
4175 4. On an after July 1, 2023, the rate shall be adjusted annually based on the greater of (i) the change
4176 in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as
4177 published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii)
4178 zero.

4179 B. ~~There is hereby levied a tax at the rate of seventeen and one half cents per gallon on diesel fuel.~~
4180 Beginning January 1, 2015, the tax rate shall be six percent of the statewide average wholesale price of a
4181 gallon of diesel fuel for the applicable base period, excluding federal and state excise taxes, as determined
4182 by the Commissioner.

4183 ~~In computing the average wholesale price of a gallon of diesel fuel, the Commissioner shall use~~
4184 ~~the period from December 1 through May 31 as the base period for such determination for the immediately~~
4185 ~~following period beginning July 1 and ending December 31, inclusive. The period from June 1 through~~
4186 ~~November 30 shall be the next base period for the immediately following period beginning January 1 and~~
4187 ~~ending June 30, inclusive. In no case shall the average wholesale price computed for purposes of this~~
4188 ~~section be less than the statewide average wholesale price of a gallon of diesel fuel on February 20, 2013.~~
4189 There is hereby levied an excise tax on diesel fuel as follows:

4190 1. On an after July 1, 2020, but before July 1, 2021, the rate shall be 20.2 cents per gallon;
4191 2. On and after July 1, 2021, but before July 1, 2022, the rate shall be 27 cents per gallon; and
4192 3. On an after July 1, 2022, the rate shall be adjusted annually based on the greater of (i) the change
4193 in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as
4194 published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year or (ii)
4195 zero.

4196 C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel
4197 that contains diesel fuel shall be taxed at the rate levied on diesel fuel.

4198 D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,
4199 whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway
4200 vehicles any aviation gasoline shall be liable for the tax at the rate levied on gasoline and gasohol, along
4201 with any penalties and interest that may accrue.

4202 E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or
4203 acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax at
4204 the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded
4205 aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is hereby

4206 levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded aviation jet
4207 fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in any fiscal
4208 year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers
4209 for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for the tax
4210 imposed at the rate levied on diesel fuel, along with any penalties and interest that may accrue.

4211 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,
4212 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and delivered
4213 or used in the Commonwealth.

4214 **§ 58.1-2249. Tax on alternative fuel.**

4215 ~~A.~~ There is hereby levied a tax at the rate levied on gasoline and gasohol on liquid alternative fuel
4216 used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose
4217 of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate equivalent to that levied on
4218 gasoline and gasohol on all other alternative fuel used to operate a highway vehicle. The Commissioner
4219 shall determine the equivalent rate applicable to such other alternative fuels.

4220 ~~B. (Contingent expiration date) In addition to any tax imposed by this article, there is hereby levied~~
4221 ~~an annual license tax of \$64 per vehicle on each highway vehicle registered in Virginia that is an electric~~
4222 ~~motor vehicle or an alternative fuel vehicle. However, no license tax shall be levied on any vehicle that~~
4223 ~~(i) is subject to the tax on fuels levied pursuant to subsection A, (ii) is subject to the federal excise tax~~
4224 ~~levied under § 4041 of the Internal Revenue Code, (iii) is a moped as defined in § 46.2-100, or (iv) is~~
4225 ~~registered under the International Registration Plan. If such a highway vehicle is registered for a period~~
4226 ~~other than one year as provided under § 46.2-646, the license tax shall be multiplied by the number of~~
4227 ~~years or fraction thereof that the vehicle will be registered. The revenues generated by this subsection shall~~
4228 ~~be deposited in the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.~~

4229 ~~B. (Contingent effective date) In addition to any tax imposed by this article, there is hereby levied~~
4230 ~~an annual license tax of \$50 per vehicle on each highway vehicle registered in Virginia that is an electric~~
4231 ~~motor vehicle. If such a highway vehicle is registered for a period other than one year as provided under~~

4232 ~~§ 46.2-646, the license tax shall be multiplied by the number of years or fraction thereof that the vehicle~~
4233 ~~will be registered.~~

4234 **§ 58.1-2289. Disposition of tax revenue generally.**

4235 A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected
4236 by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall
4237 be promptly paid into the state treasury and shall constitute special funds within the Commonwealth
4238 Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for
4239 use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds
4240 shall accrue to these funds.

4241 The Governor is hereby authorized to transfer out of such fund an amount necessary for the
4242 inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and
4243 analysis of gasoline for purity.

4244 B. The tax collected on each gallon of aviation fuel sold and delivered or used in this
4245 Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special
4246 fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of
4247 Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this
4248 Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and
4249 landing fields to which the public now has or which it is proposed shall have access, and for the promotion
4250 of aviation in the interest of operators and the public generally.

4251 C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for
4252 gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and unlicensed
4253 equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as
4254 the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs
4255 of the research and educational phases of the agricultural program, including supplemental salary
4256 payments to certain employees at Virginia Polytechnic Institute and State University, the Department of
4257 Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including
4258 reasonable expenses of the Virginia Agricultural Council.

4259 D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial
4260 watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of
4261 the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the
4262 purposes provided generally in subsection C of § 29.1-701, including acquisition, construction,
4263 improvement and maintenance of public boating access areas on the public waters of this Commonwealth
4264 and for other activities and purposes of direct benefit and interest to the boating public and for no other
4265 purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering,
4266 clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the
4267 construction, repair, improvement and maintenance of the public docks of this Commonwealth used by
4268 said commercial watercraft. Any expenditures for the acquisition, construction, improvement and
4269 maintenance of the public docks shall be made according to a plan developed by the Virginia Marine
4270 Resources Commission.

4271 From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used
4272 for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury
4273 for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State
4274 Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as
4275 specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make
4276 environmental improvements including, without limitation, fisheries management and habitat
4277 enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510,
4278 a sum as established by the General Assembly.

4279 ~~E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to~~
4280 ~~this chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway~~
4281 ~~Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) 11.3 percent shall be deposited~~
4282 ~~into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall be deposited~~
4283 ~~into the Priority Transportation Fund, (iv) 3.7 percent shall be deposited into the Commonwealth Mass~~
4284 ~~Transit Fund established pursuant to subdivision A 4 of § 58.1-638, and (v) one percent shall be transferred~~
4285 ~~to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet~~

4286 ~~the necessary expenses of the Department of Motor Vehicles~~ All remaining revenue shall be deposited
4287 into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

4288 **§ 58.1-2295. (Contingent expiration date) Levy; payment of tax.**

4289 A. 1. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every
4290 distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any
4291 county or city that is a member of (i) any transportation district in which a rapid heavy rail commuter mass
4292 transportation system operating on an exclusive right-of-way and a bus commuter mass transportation
4293 system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 or (ii)
4294 any transportation district that is subject to subsection C of § 33.2-1915 and that is contiguous to the
4295 Northern Virginia Transportation District.

4296 2. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every
4297 distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any
4298 county or city that is located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et
4299 seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of not less than 1.5 million but fewer
4300 than two million, as shown by the most recent United States Census, has not less than 1.2 million but
4301 fewer than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than
4302 15 million but fewer than 50 million riders per year across all transit systems within the Planning District
4303 or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause
4304 (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). In any case in which
4305 the tax is imposed pursuant to clause (ii), such tax shall be effective beginning on the July 1 immediately
4306 following the calendar year in which all of the criteria have been met.

4307 3. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every
4308 distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in any
4309 county or city that is located in a planning district established pursuant to Chapter 42 (§ 15.2-4200 et seq.)
4310 of Title 15.2 through which an interstate that (i) is more than 300 miles in length in the Commonwealth
4311 and (ii) as of January 1, 2019, carried more than 40 percent of interstate vehicle miles traveled for vehicles
4312 classified as Class 6 or higher.

4313 B. 1. The tax shall be imposed on each gallon of fuel, other than diesel fuel, sold by a distributor
4314 to a retail dealer for retail sale in any such county or city described in subsection A at a rate of ~~2.1 percent~~
4315 ~~of the statewide average distributor price of a gallon of unleaded regular gasoline as determined by the~~
4316 ~~Commissioner pursuant to subdivision C 1~~ 7.6 cents per gallon on gasoline and gasohol. Beginning July
4317 1, 2021, the tax rate shall be adjusted annually based on the greater of (i) the change in the United States
4318 Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of
4319 Labor Statistics for the U.S. Department of Labor for the previous year or (ii) zero. For alternative fuels
4320 other than liquid alternative fuels, the Commissioner shall determine an equivalent tax rate based on
4321 gasoline gallon equivalency.

4322 2. The tax shall be imposed on each gallon of diesel fuel sold by a distributor to a retail dealer for
4323 retail sale in any such county or city at a rate of ~~2.1 percent of the statewide average distributor price of a~~
4324 ~~gallon of diesel fuel as determined by the Commissioner pursuant to subdivision C 2~~ 7.7 cents per gallon
4325 on diesel fuel. Beginning July 1, 2021, the tax rate shall be adjusted annually based on the greater of (i)
4326 the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-
4327 U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year
4328 or (ii) zero.

4329 C. 1. ~~To determine the statewide average distributor price of a gallon of unleaded regular gasoline,~~
4330 ~~the Commissioner shall use the period from June 1 to November 30, inclusive, as the base period for the~~
4331 ~~determination of the rate of the tax for the immediately following applied period beginning January 1 and~~
4332 ~~ending June 30, inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive,~~
4333 ~~as the base period for the determination of the rate of the tax for the immediately following applied period~~
4334 ~~beginning July 1 and ending December 31, inclusive. In no case shall the statewide average distributor~~
4335 ~~price of a gallon of unleaded regular gasoline determined for the purposes of this section be less than the~~
4336 ~~statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013, plus a~~
4337 ~~distributor charge calculated by the Commissioner for that date.~~

4338 2. ~~To determine the statewide average distributor price of a gallon of diesel fuel, the Commissioner~~
4339 ~~shall use the period from June 1 to November 30, inclusive, as the base period for the determination of~~

4340 ~~the rate of the tax for the immediately following applied period beginning January 1 and ending June 30,~~
4341 ~~inclusive. The Commissioner shall use the period from December 1 to May 31, inclusive, as the base~~
4342 ~~period for the determination of the rate of the tax for the immediately following applied period beginning~~
4343 ~~July 1 and ending December 31, inclusive. In no case shall the statewide average distributor price of a~~
4344 ~~gallon of diesel fuel determined for the purposes of this section be less than the statewide average~~
4345 ~~wholesale price of a gallon of diesel fuel on February 20, 2013, plus a distributor charge calculated by the~~
4346 ~~Commissioner for that date.~~

4347 ~~D.~~ The tax levied under this section shall be imposed at the time of sale by the distributor to the
4348 retail dealer.

4349 ~~E.~~ D. The tax imposed by this section shall be paid by the distributor, but the distributor shall
4350 separately state the amount of the tax and add such tax to the price or charge. Thereafter, such tax shall be
4351 a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the same manner
4352 as other debts. No action at law or suit in equity under this chapter shall be maintained in the
4353 Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the
4354 payment of taxes imposed under this chapter.

4355 ~~F.~~ E. Nothing in this section shall be construed to exempt the imposition and remittance of tax
4356 pursuant to this section in a sale to a retail dealer in which the distributor and the retail dealer are the same
4357 person.

4358 **§ 58.1-2299.20. (Contingent expiration dates) Disposition of tax revenues.**

4359 A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the
4360 sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (i) of
4361 subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department,
4362 shall be deposited each month as follows:

4363 1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator
4364 of which shall be such transportation district's share of funding for the commuter rail service jointly
4365 operated by the two transportation districts and the denominator of which shall be the total funding share

4366 for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund
4367 established pursuant to § 33.2-3500;

4368 2. a. ~~Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid~~
4369 ~~to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts~~
4370 ~~deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit~~
4371 ~~Capital Fund established pursuant to § 33.2-3401; and~~

4372 b. ~~Beginning on July 1, 2019, an amount equal to one twelfth of the increase in taxes, interest, and~~
4373 ~~civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any~~
4374 ~~amounts deposited pursuant to subdivision A 1, One-twelfth of \$22.183 million shall be deposited in the~~
4375 Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and

4376 3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of
4377 the Transportation District of _____. The amounts deposited in the special fund shall be distributed
4378 monthly to the applicable transportation district commission of which the county or city is a member to
4379 be applied to the operating deficit, capital, and debt service of the mass transit system of such district or,
4380 in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be
4381 applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which,
4382 after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and
4383 is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied
4384 to and expended for any transportation purpose of such jurisdiction.

4385 B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the
4386 sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of
4387 subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department,
4388 shall be deposited each month as follows:

4389 1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator
4390 of which shall be such transportation district's share of funding for the commuter rail service jointly
4391 operated by the two transportation districts and the denominator of which shall be the total funding share

4392 for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund
4393 established pursuant to § 33.2-3500; and

4394 2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of
4395 the Transportation District of _____. The amounts deposited in the special fund shall be distributed
4396 monthly to the applicable transportation district commission of which the county or city is a member to
4397 be applied to the operating deficit, capital, and debt service of the mass transit system of such district or,
4398 in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be
4399 applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which,
4400 after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is
4401 also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to
4402 and expended for any transportation purpose of such jurisdiction.

4403 C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the
4404 sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2
4405 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited
4406 into special funds established by law. In the case of Planning District 23, the revenue generated and
4407 collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning
4408 Districts that may become subject to this section, funds shall be established by appropriate legislation.

4409 D. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the
4410 sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in ~~§ 58.1-2295.1~~
4411 subdivision A 3 of § 58.1-2295, after subtraction of the direct costs of administration by the Department,
4412 shall be deposited into the Interstate 81 Corridor Improvement Fund established pursuant to Chapter 36
4413 (§ 33.2-3600) of Title 33.2.

4414 E. The direct cost of administration of this section shall be credited to the funds appropriated to
4415 the Department.

4416 **§ 58.1-2299.20. (For contingent effective date see Acts 2019, cc. 837 and 846) Disposition of**
4417 **tax revenues.**

4418 A. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the
4419 sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (i) of
4420 subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department,
4421 shall be deposited each month as follows:

4422 1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator
4423 of which shall be such transportation district's share of funding for the commuter rail service jointly
4424 operated by the two transportation districts and the denominator of which shall be the total funding share
4425 for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund
4426 established pursuant to § 33.2-3500;

4427 ~~2. a. Until June 30, 2019, an amount equal to the increase in taxes, interest, and civil penalties paid~~
4428 ~~to the Commissioner each month, compared with the same month for fiscal year 2018, minus any amounts~~
4429 ~~deposited pursuant to subdivision 1, shall be deposited into the Washington Metropolitan Area Transit~~
4430 ~~Capital Fund established pursuant to § 33.2-3401; and~~

4431 ~~b. Beginning on July 1, 2019, an amount equal to one twelfth of the increase in taxes, interest, and~~
4432 ~~civil penalties paid to the Commissioner in fiscal year 2019 compared to fiscal year 2018, minus any~~
4433 ~~amounts deposited pursuant to subdivision A 1, One-twelfth of \$22.183 million shall be deposited in the~~
4434 ~~Washington Metropolitan Area Transit Authority Capital Fund established pursuant to § 33.2-3401; and~~

4435 3. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of
4436 the Transportation District of _____. " The amounts deposited in the special fund shall be distributed
4437 monthly to the applicable transportation district commission of which the county or city is a member to
4438 be applied to the operating deficit, capital, and debt service of the mass transit system of such district or,
4439 in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be
4440 applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which,
4441 after July 1, 1989, joins a transportation district which was established on or before January 1, 1986, and
4442 is also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied
4443 to and expended for any transportation purpose of such jurisdiction.

4444 B. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the
4445 sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in clause (ii) of
4446 subdivision A 1 of § 58.1-2295, after subtraction of the direct costs of administration by the Department,
4447 shall be deposited each month as follows:

4448 1. One-twelfth of an amount determined by multiplying \$15 million by a fraction, the numerator
4449 of which shall be such transportation district's share of funding for the commuter rail service jointly
4450 operated by the two transportation districts and the denominator of which shall be the total funding share
4451 for such commuter rail service, shall be deposited in the Commuter Rail Operating and Capital Fund
4452 established pursuant to § 33.2-3500; and

4453 2. All remaining funds shall be deposited in a special fund entitled the "Special Fund Account of
4454 the Transportation District of _____. " The amounts deposited in the special fund shall be distributed
4455 monthly to the applicable transportation district commission of which the county or city is a member to
4456 be applied to the operating deficit, capital, and debt service of the mass transit system of such district or,
4457 in the case of a transportation district subject to the provisions of subsection C of § 33.2-1915, to be
4458 applied to and expended for any transportation purpose of such district. In the case of a jurisdiction which,
4459 after July 1, 1989, joins a transportation district that was established on or before January 1, 1986, and is
4460 also subject to subsection C of § 33.2-1915, the funds collected from that jurisdiction shall be applied to
4461 and expended for any transportation purpose of such jurisdiction.

4462 C. All taxes, interest, and civil penalties paid to the Commissioner pursuant to this chapter for the
4463 sale of fuels at wholesale to retail dealers for retail sale in any county or city set forth in subdivision A 2
4464 of § 58.1-2295, after subtraction of the direct costs of administration by the Department, shall be deposited
4465 into special funds established by law. In the case of Planning District 23, the revenue generated and
4466 collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning
4467 Districts that may become subject to this section, funds shall be established by appropriate legislation.

4468 D. The direct cost of administration of this section shall be credited to the funds appropriated to
4469 the Department.

4470 **§ 58.1-2425. (Contingent expiration date) Disposition of revenues.**

4471 ~~A.~~(For contingent expiration date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the
4472 Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section,
4473 these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances
4474 remaining in these funds at the end of the year shall be available for use in subsequent years for the
4475 purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The
4476 revenue so derived, after refunds have been deducted, is hereby allocated for the construction,
4477 reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose.
4478 However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as
4479 defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home
4480 is to be situated as a dwelling; (ii) ~~effective January 1, 1987, an amount equivalent to the net additional~~
4481 ~~revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session~~
4482 ~~of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this~~
4483 ~~section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-~~
4484 ~~1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the~~
4485 ~~Commonwealth Transportation Board for transportation needs; (iii) the net additional revenues generated~~
4486 ~~by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the~~
4487 ~~increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of~~
4488 ~~the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance~~
4489 ~~and Operating Fund established pursuant to § 33.2-1530; and (iv) all funds collected pursuant to the~~
4490 provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are
4491 defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be
4492 distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this
4493 amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be
4494 distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3
4495 percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638
4496 and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on
4497 sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for

use; (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed pursuant to § 58.1-603.1; (d) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall be distributed to the county or city in which the vehicle is used or stored for use; and (e) an amount equal to a one percent tax shall be distributed in a manner consistent with the provisions of subsection I of § 58.1-638 for each all-terrain vehicle, moped, and off-road motorcycle subject to the additional tax within the Historic Triangle under subdivision A 1 of § 58.1-2402; and (iii) all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund pursuant to § 33.2-1524.

~~A.~~ (For contingent effective date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section, these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The revenue so derived, after refunds have been deducted, is hereby allocated for the construction, reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home is to be situated as a dwelling; (ii) ~~effective January 1, 1987, an amount equivalent to the net additional revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402, and this section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the Commonwealth Transportation Board for transportation needs; (iii) the net additional revenues generated by increases in the rates of taxes under subdivisions A 1 and A 2 of § 58.1-2402 and generated by the~~

4525 ~~increase in the minimum tax under subdivision A 3 of § 58.1-2402 pursuant to enactments of a Session of~~
4526 ~~the General Assembly held in 2013 shall be deposited by the Comptroller into the Highway Maintenance~~
4527 ~~and Operating Fund established pursuant to § 33.2-1530; and (iv) all funds collected pursuant to the~~
4528 ~~provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are~~
4529 ~~defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be~~
4530 ~~distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this~~
4531 ~~amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be~~
4532 ~~distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a 4.3~~
4533 ~~percent tax shall be distributed in the same manner as the state sales and use tax pursuant to §§ 58.1-638~~
4534 ~~and 58.1-638.3, except that this amount collected on sales by anyone other than a Virginia dealer or on~~
4535 ~~sales outside of Virginia shall be distributed to the county or city in which the vehicle is used or stored for~~
4536 ~~use; (c) if the all-terrain vehicle, moped, or off-road motorcycle was purchased from a Virginia dealer in~~
4537 ~~a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent tax shall~~
4538 ~~be distributed pursuant to § 58.1-603.1; and (d) if the all-terrain vehicle, moped, or off-road motorcycle~~
4539 ~~was purchased from anyone other than a Virginia dealer or outside of Virginia and then used or stored for~~
4540 ~~use in a county or city in a planning district described in § 58.1-603.1, an amount equal to a 0.7 percent~~
4541 ~~tax shall be distributed to the county or city in which the vehicle is used or stored for use; and (iii) all~~
4542 remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use
4543 tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund
4544 pursuant to § 33.2-1524.

4545 ~~B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation~~
4546 ~~Trust Fund pursuant to clause (ii) of subsection A, an aggregate of 4.2 percent shall be set aside as the~~
4547 ~~Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport~~
4548 ~~Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000~~
4549 ~~and thereafter shall be set aside as the Commonwealth Mass Transit Fund.~~

4550 **§ 58.1-2425. (Contingent effective date) Disposition of revenues.**

4551 A. (For contingent expiration date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the
4552 Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section,
4553 these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances
4554 remaining in these funds at the end of the year shall be available for use in subsequent years for the
4555 purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The
4556 revenue so derived, after refunds have been deducted, is hereby allocated for the construction,
4557 reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose.
4558 However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as
4559 defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home
4560 is to be situated as a dwelling; (ii) ~~effective January 1, 1987, an amount equivalent to the net additional~~
4561 ~~revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session~~
4562 ~~of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this~~
4563 ~~section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-~~
4564 ~~1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the~~
4565 ~~Commonwealth Transportation Board for transportation needs; and (iii) all funds collected pursuant to the~~
4566 provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are
4567 defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be
4568 distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this
4569 amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be
4570 distributed to the county or city in which the vehicle is used or stored for use; (b) an amount equal to a
4571 four percent tax shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-
4572 638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside
4573 of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (c)
4574 an amount equal to a one percent tax shall be distributed in a manner consistent with the provisions of
4575 subsection I of § 58.1-638 for each all-terrain vehicle, moped, and off-road motorcycle subject to the
4576 additional tax within the Historic Triangle under subdivision A 1 of § 58.1-2402; and (iii) all remaining
4577 funds, after the collection costs of the Department of Motor Vehicles, from the sales and use tax on motor

4578 vehicles shall be distributed to and paid into the Commonwealth Transportation Fund established pursuant
4579 to § 33.2-1524.

4580 ~~A.-(For contingent effective date, see Acts 2019, c. 52, cl. 2) Funds collected hereunder by the~~
4581 ~~Commissioner shall be forthwith paid into the state treasury. Except as otherwise provided in this section,~~
4582 ~~these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances~~
4583 ~~remaining in these funds at the end of the year shall be available for use in subsequent years for the~~
4584 ~~purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. The~~
4585 ~~revenue so derived, after refunds have been deducted, is hereby allocated for the construction,~~
4586 ~~reconstruction and maintenance of highways and the regulation of traffic thereon and for no other purpose.~~
4587 ~~However, (i) all funds collected pursuant to the provisions of this chapter from manufactured homes, as~~
4588 ~~defined in § 46.2-100, shall be distributed to the city, town, or county wherein such manufactured home~~
4589 ~~is to be situated as a dwelling; (ii)-effective January 1, 1987, an amount equivalent to the net additional~~
4590 ~~revenues from the sales and use tax on motor vehicles generated by enactments of the 1986 Special Session~~
4591 ~~of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697, 58.1-2401, 58.1-2402 and this~~
4592 ~~section shall be distributed to and paid into the Transportation Trust Fund established pursuant to § 33.2-~~
4593 ~~1524, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the~~
4594 ~~Commonwealth Transportation Board for transportation needs; and (iii) all funds collected pursuant to the~~
4595 ~~provisions of this chapter from all-terrain vehicles, mopeds, and off-road motorcycles, as those terms are~~
4596 ~~defined in § 46.2-100, shall be distributed as follows: (a) an amount equal to a one percent tax shall be~~
4597 ~~distributed in the same manner as the one percent local sales tax pursuant to § 58.1-605, except that this~~
4598 ~~amount collected on sales by anyone other than a Virginia dealer or on sales outside of Virginia shall be~~
4599 ~~distributed to the county or city in which the vehicle is used or stored for use and (b) an amount equal to~~
4600 ~~a four percent tax shall be distributed in the same manner as the state sales and use tax pursuant to § 58.1-~~
4601 ~~638, except that this amount collected on sales by anyone other than a Virginia dealer or on sales outside~~
4602 ~~of Virginia shall be distributed to the county or city in which the vehicle is used or stored for use; and (iii)~~
4603 all remaining funds, after the collection costs of the Department of Motor Vehicles, from the sales and use

tax on motor vehicles shall be distributed to and paid into the Commonwealth Transportation Fund established pursuant to § 33.2-1524.

~~B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation Trust Fund pursuant to clause (ii) of subsection A of this section, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund.~~

§ 58.1-2531. Distribution of certain revenue.

A. Beginning with the Commonwealth's fiscal year beginning on July 1, 2008 and for each fiscal year thereafter, an amount equal to one-third of all revenues collected by the Department in the most recently ended fiscal year from the tax imposed under this chapter, less one-third of the total amount of such tax refunded in the most recently ended fiscal year, shall be deposited by the Comptroller to the ~~Priority Commonwealth~~ Transportation Fund established under ~~§ 33.2-1527~~ § 33.2-1524.

B. For purposes of the Comptroller's deposits under this section, the Tax Commissioner shall, no later than July 15 of each year, provide a written certification to the Comptroller that reports the amount to be deposited pursuant to subsection A. After the required amount has been deposited as provided in subsection A, all remaining revenues from the tax imposed under this chapter shall be deposited into the general fund of the state treasury. The Comptroller shall make all deposits under this section as soon as practicable.

§ 58.1-2701. (Contingent expiration date) Amount of tax.

A. Except as provided in subsection C, every motor carrier shall pay a road tax per gallon equivalent to the cents per gallon credit for diesel fuel as determined under subsection A of § 58.1-2706 for the relevant period plus an additional amount per gallon, as determined by subsection B, calculated on the amount of motor fuel, diesel fuel or liquefied gases (which would not exist as liquids at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

4630 The tax imposed by this chapter shall be in addition to all other taxes of whatever character
4631 imposed on a motor carrier by any other provision of law.

4632 B. The additional amount per gallon shall be determined by the Commissioner annually, effective
4633 July 1 of each year. On July 1, 2019, the additional amount per gallon shall be calculated by multiplying
4634 the average fuel economy by \$0.01125. On July 1, 2020, and each July 1 thereafter, the additional amount
4635 per gallon shall be calculated by multiplying the average fuel economy by \$0.0225. The additional amount
4636 per gallon shall be rounded to the nearest one-tenth of a cent. For purposes of this subsection, "average
4637 fuel economy" shall be calculated by dividing the total taxable miles driven in the Commonwealth by the
4638 total taxable gallons of fuel consumed in the Commonwealth, as reported in IFTA returns in the preceding
4639 taxable year.

4640 C. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles
4641 that are not registered under the International Registration Plan shall pay a fee of \$150 per year for each
4642 qualified highway vehicle regardless of whether such vehicle will be included on the motor carrier's IFTA
4643 return. For the period of July 1, 2019, through June 30, 2020, the fee shall be adjusted based on the percent
4644 change in the road tax imposed pursuant to subsection A from June 30, 2019, to July 1, 2019. The
4645 Commissioner shall adjust the fee annually on July 1 of every year thereafter based on the percentage
4646 change in the road tax imposed pursuant to subsection A for the previous fiscal year as compared to the
4647 current fiscal year. The fee is due and payable when the vehicle registration fees are paid pursuant to the
4648 provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

4649 If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee
4650 due at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the
4651 registration expiration month. Fees paid under this subsection shall not be refunded unless a full refund of
4652 the registration fee paid is authorized by law.

4653 ~~D. 1. Except as provided in subdivision 2, all~~ All taxes and fees paid under the provisions of this
4654 chapter shall be credited to the ~~Highway Maintenance and Operating Fund established pursuant to § 33.2-~~
4655 ~~1530, a special fund within~~ deposited into the Commonwealth Transportation Fund established pursuant
4656 to § 33.2-1524.

~~2. The net additional revenues generated by this section pursuant to enactments of the 2019 Session of the General Assembly shall be deposited as follows: (i) an amount equal to such net revenues multiplied by a ratio of the vehicle miles traveled on Interstate 81 by vehicles classified as Class 6 or higher by the Federal Highway Administration to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher by the Federal Highway Administration into the Interstate 81 Corridor Improvement Fund established pursuant to § 33.2-3601; (ii) an amount equal to such net revenues multiplied by a ratio of the vehicle miles traveled on the portion of interstate highways located within the boundaries of Planning District 8 by vehicles classified as Class 6 or higher by the Federal Highway Administration to total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher by the Federal Highway Administration into the Northern Virginia Transportation Authority Fund established pursuant to § 33.2-2509; and (iii) all remaining net revenues to the Commonwealth Transportation Board for use for operational improvements and other enhancements to improve the safety and reliability of, and travel flow along, interstate highway corridors in the Commonwealth. The Board shall ensure that for any interstate highway with more than 10 percent of total interstate truck vehicle miles traveled that the total long term expenditure for each such interstate highway is approximately equal to the proportional revenue subject to clause (iii) that is attributable to such interstate highway. For purposes of this subdivision, "net additional revenues" means the additional revenues generated by this section pursuant to enactments of the 2019 Session of the General Assembly, minus any refunds or remittances required to be paid.~~

2. That the General Assembly finds that the completion of Corridor Q of the Appalachian Development Highway System is required to provide an adequate, modern, safe, and efficient highway that will further the economic development needs and economic growth potential of south-central and southwest Virginia.

3. That § 2 of the first enactment of Chapter 8 of the Acts of Assembly of 1989, Special Session II, as amended by the second enactment of Chapter 538 of the Acts of Assembly of 1999 and by the first enactment of Chapter 296 of the Acts of Assembly of 2013, is amended and reenacted as follows:

4683 § 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of
 4684 the Governor, to issue, pursuant to the provisions of ~~§§ 33.1-267 through 33.1-295~~ the Transportation
 4685 Development and Revenue Bond Act (§ 33.2-1700 et seq.) of the Code of Virginia, at one time or from
 4686 time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation
 4687 Revenue Bonds, Series", in an aggregate principal amount not exceeding \$1,300,000,000, to finance
 4688 the cost of the project plus an amount for the issuance costs, reserve funds, and other financing expenses.
 4689 However, the additional amount of bonds that may be issued solely because of the amendments to this
 4690 section by the 2013 Session of the General Assembly may be issued only if the debt service of such bonds
 4691 can be met solely with the revenues provided to the Route 58 Corridor Development Fund pursuant to the
 4692 provisions of § 58.1-815 of the Code of Virginia. The proceeds of such bonds shall be used exclusively
 4693 for the purpose of providing funds, with any other available funds, for paying all costs incurred or to be
 4694 incurred for the construction of an adequate, modern, safe, and efficient highway system, generally along
 4695 Virginia's southern boundary and which comprises the U.S. Route 58 Corridor Development Program as
 4696 established in ~~§ 33.1-221.1:2~~ § 33.2-2301, consisting of the environmental and engineering studies, rights-
 4697 of-way acquisition, construction and related improvements (the Project).

4698 Of the \$104.3 million increase in bond issuance authorized by the 1999 Session of the General
 4699 Assembly, \$82 million shall be issued for portions of the Project as follows:

a	Portion of the Project	Bond amount
b	Ben Hur to Pennington Gap in Lee County	\$9,800,000
c	Pennington Gap to Dryden in Lee County	\$35,600,000
d	Anticipated shortfall on the Danville Bypass, Clarksville Bypass, Stuart Bypass, and completion of a gap west of Jonesville in Lee County	\$35,100,000
e	Taylors Valley in Washington County	\$1,500,000
f	Total	\$82,000,000

4700 The remaining balance of the bond issuance in the amount of \$22.3 million, together with any
 4701 bond issuance not necessary to complete the above projects, shall be issued for right-of-way acquisition

4702 from the Town of Stuart, in Patrick County along the Route 58 corridor to its intersection with Interstate
4703 77 in Carroll County.

4704 Beginning July 1, 2013, completion of the following portions of the Project shall have priority
4705 over any other portions of the Project:

4706 Crooked Oak Section

4707 ROW Acquisition

4708 Utility Relocation

4709 Permitting and Mitigation

4710 Design

4711 Construction and Inspection

4712 Vesta Section

4713 ROW Acquisition

4714 Utility Relocation

4715 Permitting and Mitigation

4716 Design

4717 Construction and Inspection

4718 Lover's Leap Section

4719 ROW Acquisition

4720 Utility Relocation

4721 Permitting and Mitigation

4722 Design

4723 Construction and Inspection

4724 Final Section of Corridor Q

4725 ROW Acquisition

4726 Utility Relocation

4727 Permitting and Mitigation

4728 Design

4729 Construction and Inspection

4730 Of the foregoing four sections of the Project, construction of the Lover's Leap Section shall have
4731 priority over construction of the other three sections. However, construction of these other three sections
4732 may proceed simultaneously with the construction of the Lover's Leap Section if such simultaneous
4733 construction does not delay construction of the Lover's Leap Section.

4734 Such revenue bonds shall be issued by the Commonwealth Transportation Board and sold through
4735 the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth
4736 Transportation Board with respect to such bonds. The Treasury Board's duties shall include the approval
4737 of the terms and structure of the bonds.

4738 4. That §§ 33.2-1601, 33.2-1603, 46.2-702.1 and 46.2-702.1:1, 58.1-2217.1, and 58.1-2295.1 of the
4739 Code of Virginia are repealed.

4740 5. That the fifth enactments of Chapters 837 and 846 of the Acts of Assembly of 2019 are repealed.

4741 6. That the provisions of §§ 18.2-323.1, 46.2-694, 46.2-697, 46.2-1078.1, and 46.2-1094 of the Code of
4742 Virginia, as amended by this act, shall become effective on July 1, 2021.

4743 7. That the chairmen of the House Committee for Courts of Justice and the Senate Committee on
4744 the Judiciary shall annually request the Office of the Executive Secretary of the Supreme Court of
4745 Virginia to report all of the citations issues pursuant to the provisions of this act and, to the extent
4746 available, the relevant demographic characteristics of those persons issued a citation.

4747 8. That the provisions of § 46.2-773 of the Code of Virginia, as created by this act, shall become
4748 effective on July 1, 2022.

4749 9. That the Commissioner of the Department of Motor Vehicles shall convene a working group to
4750 assist the Department of Motor Vehicles in the development of the mileage-based user fee
4751 authorized pursuant to § 46.2-773 of the Code of Virginia, as created by this act. In developing
4752 recommendations, the working group shall consider (i) the protection of all personally identifiable
4753 information that may be divulged in the reporting of highway usage; (ii) methods to record and
4754 report highway usage; (iii) the administration of the program, including the collection of fees for
4755 highway usage; and (iv) other issues identified by the Commissioner of the Department of Motor

4756 Vehicles. The Commissioner of the Department of Motor Vehicles shall issue an interim report no
4757 later than July 1, 2021, and a final report no later than December 15, 2021, on the findings of the
4758 working group. The Commissioner of the Department of Motor Vehicles shall issue guidelines for
4759 the program no later than May 15, 2022. Such guidelines shall not be subject to the Administrative
4760 Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

4761 10. That the Department of Motor Vehicles may refund the difference between the annual
4762 registration fee received for a multi-year registration prior to July 1, 2021 and the annual
4763 registration fee in effect on and after July 1, 2021, for any 12-month or 24-month unexpired period
4764 of the multi-year registration occurring entirely after July 1, 2021. Refunds issued shall be made
4765 without requiring the return of the license plates to the Department.

4766 11. That the reduction in the registration fees imposed pursuant to subsection A of § 46.2-697 of the
4767 Code of Virginia, as amended by this act, shall be deemed to have eliminated any increase in the
4768 registration fees imposed by Chapter 896 of the Acts of Assembly of 2007.

4769 12. That the prioritization process established pursuant to subsection C of § 33.2-373 of the Code of
4770 Virginia, as added by this act, shall not apply to projects and strategies included or identified in the
4771 Interstate 81 Corridor Improvement Plan adopted by the Commonwealth Transportation Board
4772 on December 5, 2018.

4773 13. That the initial terms for members of the Board of the Virginia Passenger Rail Authority shall
4774 be staggered as follows: (i) of the members appointed pursuant to subdivision A 2 of § 33.2-291 of
4775 the Code of Virginia, as added by this act, one shall be for a term of one year and one shall be for a
4776 term of three years; (ii) of the members appointed pursuant to subdivision A 3 of § 33.2-291, one
4777 shall be for a term of one year and one shall be for a term of three years; (iii) of the members
4778 appointed pursuant to subdivision A 1 of § 33.2-291, one shall be appointed for a term of two years;
4779 (iv) the members appointed pursuant to subdivision A 4 of § 33.2-291 shall be appointed for a term
4780 of two years; and (v) all other members shall be appointed for a term of four years.

4781 14. That the provisions of this act generating additional state revenue for transportation shall expire
4782 on December 31 of any year in which the General Assembly appropriates or transfers any of such
4783 additional revenues for any non-transportation-related purposes.

4784 15. That the General Assembly has determined that the development, expansion and continuation
4785 of commuter and intercity passenger rail service and the development of rail infrastructure, rolling
4786 stock, and support facilities to support commuter and intercity passenger rail service are important
4787 elements of a balanced transportation system in the Commonwealth and are essential to the
4788 Commonwealth's continued economic growth, vitality and competitiveness in national and world
4789 markets; and that, in pursuit of the development, expansion and continuation of commuter and
4790 intercity passenger rail service, the Commonwealth is pursuing various rail and other infrastructure
4791 improvements leading into Washington, D.C., from Virginia, including a new bridge structure that
4792 crosses the Potomac River between Arlington County and the District of Columbia in the vicinity
4793 of the 14th Street Bridge complex and the Metro Fenwick Bridge and which may include, in addition
4794 to the river crossing, reasonably related new track approaches to the new bridge, as well as property
4795 acquisition and upgrades to the existing tracks on the Virginia and the Washington, D.C. sides of
4796 the new bridge; and new Metrorail related improvements to, and serving, the Rosslyn Metrorail
4797 station in Arlington County that would facilitate the movement of passengers and relieve train
4798 congestion on the Blue, Orange, and Silver Metrorail lines, and which may include a new platform
4799 and station, pedestrian connections to the existing Rosslyn Metrorail station, and a future new
4800 extension of Metrorail under the Potomac River (the "Rail Improvements"); and that, the
4801 Commonwealth, through either or both of the Virginia Department of Rail and Public
4802 Transportation and the Virginia Passenger Rail Authority or such other Commonwealth agency or
4803 political subdivision as the General Assembly may authorize, will own the network of Rail
4804 Improvements and the various rail facilities, structures and equipment constructed or acquired in
4805 connection therewith Network") and may partner with one or more passenger or commuter rail
4806 service providers, including but not limited to Amtrak and the owners and operators of Virginia
4807 Rail Express, to deliver enhanced and reliable passenger rail service throughout the Rail Network;

4808 and that, the Commonwealth, through the Virginia Department of Transportation, owns and
4809 operates the tolled express lanes comprising part of the Transform 66 Inside the Beltway express
4810 lanes project (the "Inside the Beltway Express Lanes") and the revenues therefrom are intended to
4811 be applied to pay for transportation and other infrastructure improvements in and around the I-66
4812 corridor; and that, the General Assembly desires to authorize the incurrence of obligations secured,
4813 in part, by a pledge of certain net toll revenues from the Inside the Beltway Express Lanes collected
4814 by the Commonwealth and appropriated by the General Assembly, to finance the costs of (i)
4815 acquiring, constructing, renovating, expanding, enlarging, improving, installing and equipping the
4816 Rail Improvements and the various rail facilities, structures and equipment constructed or acquired
4817 in connection therewith; (ii) acquiring any lands, structures, fixtures, rights-of-way, franchises,
4818 easements and other property rights and interests related to the Rail Improvements; and (iii)
4819 demolishing, removing or relocating any buildings, structures or fixtures on lands acquired for the
4820 Rail Improvements.

4821 **16. §1. Commonwealth of Virginia Passenger Rail Facilities Bond Act of 2020.**

4822 This act shall be known and may be cited as the "Commonwealth of Virginia Passenger Rail
4823 Facilities Bond Act of 2020" (the Act).

4824 § 2. Authorization of bonds and bond anticipation notes.

4825 The Commonwealth Transportation Board (the Transportation Board) is hereby authorized, by and
4826 with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution
4827 of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated
4828 "Commonwealth of Virginia Passenger Rail Facilities Bonds, Series" in an aggregate principal amount
4829 not exceeding \$1 billion, plus amounts needed to fund issuance costs, reserve funds, capitalized interest,
4830 and other financing expenses. The Transportation Board is further hereby authorized, by and with the
4831 consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond
4832 anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and
4833 BANs, excluding amounts needed to fund issuance costs, reserve funds, capitalized interest, and other
4834 financing expenses, shall be used exclusively for the purpose of providing funds, together with any other

4835 available funds made available by the Transportation Board, the Virginia Department of Rail and Public
4836 Transportation, and the Virginia Passenger Rail Authority, to pay all or a portion of the costs of (i)
4837 acquiring, constructing, renovating, expanding, enlarging, improving, installing, and equipping the Rail
4838 Improvements, as defined in the fifteenth enactment of this act, and the various rail facilities, structures,
4839 and equipment constructed or acquired in connection therewith; (ii) acquiring any lands, structures,
4840 fixtures, rights-of-way, franchises, easements, and other property rights and interests related to the Rail
4841 Improvements; and (iii) demolishing, removing, or relocating any buildings, structures, or fixtures on
4842 lands acquired for the Rail Improvements (any of which may be referred to as an "authorized capital
4843 project").

4844 § 3. Deposit and application of proceeds.

4845 The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the
4846 issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs), shall
4847 be deposited in a special capital outlay fund in the state treasury or may be placed with a trustee, and,
4848 together with the investment income thereon, shall be disbursed for paying all or any part of the costs of
4849 an authorized capital project, including financing costs. The proceeds of (a) bonds the issuance of which
4850 has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such
4851 BANs, refunded bonds, and refunded BANs.

4852 § 4. Details, sale of bonds and BANs.

4853 The terms and structure of each issue of bonds and BANs shall be determined by the Transportation
4854 Board, subject to approval of the Treasury Board if required by the provisions of § 2.2-2416 of the Code
4855 of Virginia. The bonds and BANs shall be dated, and may be made redeemable before their maturity or
4856 maturities at such price or prices or within such price parameters, all as may be determined by the
4857 Transportation Board. Bonds and BANs shall be in such form, shall bear interest at such rate or rates,
4858 either at fixed rates or at rates established by formula or other method, and may contain such other
4859 provisions, including senior and subordinate lien priorities on the pledged toll revenues as provided in §
4860 7, with respect to such bonds and BANs, all as determined by the Transportation Board. The principal of
4861 and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United

4862 States of America. Bonds and BANs may be certificated or uncertificated as determined by the
4863 Transportation Board. The Transportation Board may contract for services of such registrars, transfer
4864 agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled
4865 to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of
4866 book entry for recording the ownership and transfer of ownership of rights to receive payments on the
4867 bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the
4868 bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of
4869 the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall
4870 mature at such time or times not exceeding 39 years from their date or dates, and BANs shall mature at
4871 such time or times not exceeding five years from their date or dates.

4872 The Transportation Board may sell bonds and BANs at one time or from time to time, at public or
4873 private sale, by competitive bidding, negotiated sale, or private placement with private lenders or
4874 governmental lenders, and for such price or prices, all as it may determine to be in the best interest of the
4875 Commonwealth.

4876 § 5. Execution of bonds and BANs.

4877 The bonds and BANs shall be signed on behalf of the Transportation Board by the chairman or
4878 vice-chairman of the Transportation Board, or shall bear the facsimile signature of such officer, and shall
4879 bear the official seal of the Transportation Board, which shall be attested by the manual or facsimile
4880 signature of the secretary or assistant secretary of the Transportation Board. In the event that the bonds or
4881 BANs shall bear the facsimile signature of the chairman or vice-chairman of the Transportation Board,
4882 such bonds or BANs shall be signed by such administrative assistant as the chairman of the Transportation
4883 Board shall determine or by any registrar or paying agent that may be designated by the Transportation
4884 Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be
4885 such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient
4886 for all purposes the same as if such officer had remained in office until such delivery.

4887 § 6. Sources for payment of expenses.

4888 All expenses incurred under this act or in connection with the issuance of bonds or BANs shall be
4889 paid from the proceeds of bonds or BANs or from other available funds as the Transportation Board shall
4890 determine.

4891 § 7. Revenues.

4892 The Transportation Board is hereby authorized (i) to fix, revise, charge, and collect tolls, rates,
4893 fees, and charges for or in connection with the use, occupancy, and services of the Inside the Beltway
4894 Express Lanes, as defined in the fifteenth enactment of this act, in amounts sufficient to provide for the
4895 operating costs of the Inside the Beltway Express Lanes tolling facilities and to provide for the payment
4896 of the principal of and the premium, if any, and interest on the bonds and BANs and the debt service and
4897 sinking funds and reserves established as provided below and (ii) to pledge to the payment of the bonds
4898 or any portion thereof or BANs issued to finance or refinance the Rail Improvements the net revenues
4899 resulting from such tolls, rates, fees, and charges and remaining after payment of expenses incurred in
4900 operating the Inside the Beltway Express Lanes tolling facilities (the Toll Revenues). The Transportation
4901 Board is further authorized to create debt service and sinking funds for the payments of the principal of
4902 and premium, if any, and interest on the bonds and BANs and other reserves required by any of the
4903 purchasers.

4904 § 8. Investments and contracts.

4905 A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and
4906 BANs) to the purpose for which they have been authorized and the application of funds set aside for the
4907 purpose to the payment of bonds or BANs, they may be invested by the State Treasurer or by a trustee in
4908 securities that are legal investments under the laws of the Commonwealth for public funds and sinking
4909 funds, as the case may be. Whenever the State Treasurer or trustee receives interest from the investment
4910 of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds and
4911 any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

4912 B. The Commonwealth may enter into any contract or other arrangement that is determined to be
4913 necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by
4914 bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by

4915 the Commonwealth. Such contract or other arrangement may include, without limitation, contracts
4916 commonly known as interest rate swap agreements and futures or contracts providing for payments based
4917 on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the
4918 Commonwealth in connection with, incidental to, entering into, or maintaining, any (i) agreement that
4919 secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by
4920 law. These contracts and arrangements may contain such payment, security, default, remedy, and other
4921 terms and conditions as determined by the Commonwealth, after giving due consideration to the
4922 creditworthiness of the counterparty or other obligated party, including any rating by any nationally
4923 recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in
4924 this subsection may be made by the Treasury Board or any public funds manager with professional
4925 investment capabilities duly authorized by the Treasury Board to make such determinations.

4926 C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts
4927 entered into pursuant to this section may be invested in accordance with subsection A and may be pledged
4928 to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

4929 § 9. Security for bonds and BANs.

4930 Subject to appropriation by the General Assembly of such amounts, the Toll Revenues are hereby
4931 irrevocably pledged for the payment of the principal of and premium, if any, and interest on bonds and
4932 BANs issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by
4933 BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of
4934 principal of and premium, if any, and interest on the BANs or bonds to be paid or redeemed thereby.
4935 Nothing in this act or the bonds or BANs shall be deemed to create or constitute a pledge of the faith and
4936 credit of the Commonwealth or any political subdivision thereof.

4937 § 10. Exemption of interest from tax.

4938 The bonds and BANs issued under the provisions of this act, their transfer and the income
4939 therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation
4940 by the Commonwealth and by any county, city, or town, or other political subdivision thereof. The
4941 Transportation Board is authorized to take or refrain from taking any and all actions and to covenant to

such effect, and to require the Transportation Board, the Virginia Department of Rail and Public Transportation, and the Virginia Passenger Rail Authority to do and to covenant likewise, to the extent that, in the judgment of the Transportation Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Transportation Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth and to refund any or all of the bonds and BANs, respectively, issued under this act. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (d) of the Constitution of Virginia.

§ 13. Legal investments.

All obligations issued under the provisions of this act are hereby made securities in which all public officers and bodies of the Commonwealth and political subdivisions thereof, insurance companies and associations, savings banks and savings institutions, including savings and loan associations, trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees, and other fiduciaries in the Commonwealth may properly and legally invest funds under their control.

§ 14. Severability.

The provisions of this act or the application thereof to any person or circumstances that are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

4969 § 15. Appropriation.

4970 The proceeds of the bonds are hereby appropriated for disbursement from the state treasury
4971 pursuant to Article X, Section 7 of the Constitution of Virginia and § 2.2-1819 of the Code of Virginia.
4972 The general conditions and general provisions of the general appropriation act enacted pursuant to Chapter
4973 15 (§ 2.2-1500 et seq.) of Title 2.2 of the Code of Virginia, as such general appropriation act may be
4974 amended from time to time, and all of the terms and conditions contained therein shall apply to the
4975 authorized capital project described in this act.

4976 **17. §1. Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020.**

4977 This act shall be known and may be cited as the "Commonwealth Transportation Interstate 81
4978 Corridor Bond Act of 2020."

4979 § 2. Definitions.

4980 "Act" means the Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020.

4981 "Board" means the Commonwealth Transportation Board established pursuant to Article 1 (§ 33.2-
4982 200 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia.

4983 "Bond" means a bond, a note, a credit facility, an anticipatory borrowing, and any other evidence
4984 of indebtedness issued pursuant to the provisions of the Act. A bond may contain any designation
4985 appropriate to the debt instrument.

4986 "Bond Act" means Chapter 17 (§ 33.2-1700 et seq.) of Title 33.2 of the Code of Virginia and any
4987 amendments thereto.

4988 "Fund" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

4989 "Plan" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

4990 "Program" means the same as such term is defined in § 33.2-3600 of the Code of Virginia.

4991 § 3. Authorization of bonds and bond anticipation notes.

4992 The Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the
4993 provisions of the Bond Act, revenue obligations of the Commonwealth, to be designated "Commonwealth
4994 of Virginia Interstate 81 Corridor Program Revenue Bonds, Series" . The Board may issue bonds in
4995 one or multiple issues, provided that the aggregate principal amount does not exceed \$1 billion after all

4996 costs. Such amount shall include amounts needed to fund issuance costs, reserve funds, capitalized
4997 interest, and other financing expenses, but shall exclude any refunding bonds. Such aggregate principal
4998 amount shall not include the principal amount of any bonds issued to refund prior obligations issued under
4999 this Act and shall not include any pre-project completion interest that may be converted to principal in
5000 connection with any federal program borrowing undertaken pursuant to subsection D of § 6.

5001 § 4. The Board shall use the proceeds of any bonds, including any premium received on the sale
5002 thereof, for the exclusive purpose of paying costs incurred or to be incurred in relation to the Plan and the
5003 Program. Such costs may include payment of bond interest during and after the construction of
5004 transportation improvements, as determined by the Board. Such costs may include expenditures for:

- 5005 1. Environmental and engineering studies;
5006 2. Acquisition of rights of way;
5007 3. Improvements to any existing mode of transportation;
5008 4. Acquisition of real and personal property;
5009 5. Construction of new modes of transportation and improvements thereto;
5010 6. Contributions to reserve funds;
5011 7. Any financing expenses; and
5012 8. Any purpose the Board deems necessary to implementing the Plan and the Program.

5013 § 5. The Board shall make proceeds of the bonds available to pay costs for the purposes identified
5014 in § 4, or to refund previously issued bonds providing funds to pay for the purposes identified in § 4. The
5015 Board may make payments to any authority, commission, locality, or other entity of the Commonwealth
5016 for purposes of paying such entity's costs related to transportation projects. The Board shall use bond
5017 proceeds together with any federal, local, or private funds that may be made available for similar purposes.
5018 The Board may use proceeds from the bonds, together with any investment earnings from such bonds, to
5019 secure the payment of principal or the purchase price and redemption premium, if any, and interest on the
5020 bonds.

5021 § 6. A. The Board shall determine the terms and structure of each issue of bonds, provided that its
5022 determination shall be subject to approval by the Treasury Board in accordance with § 2.2-2416 of the
5023 Code of Virginia and any amendments thereto. The bonds of each issue shall:

5024 1. Be dated;

5025 2. Be issued in a principal amount subject to the limitations identified in § 3;

5026 3. Bear interest at an identified rate or rates, which may be fixed, adjustable, variable, or a
5027 combination thereof and which may be determine according to a formula or other method;

5028 4. Mature at a time or times not exceeding 39 years from the date of issue, except as provided in
5029 subsection D; and

5030 5. Be issued under a system of book entry for recording the ownership and transfer of ownership
5031 of rights to receive payments of principal or purchase price and redemption premium, if any, and interest
5032 on such bonds.

5033 B. The Board may determine that bonds be made subject to purchase or redemption before their
5034 maturity or maturities, at such price or prices and under such terms and conditions it deems appropriate.
5035 The Board shall:

5036 1. Determine the form of the bonds;

5037 2. Determine whether the bonds are certificated or uncertificated;

5038 3. Fix the authorized denomination of the bonds, provided that interest on the bonds shall be made
5039 payable in lawful money of the United States; and

5040 4. Fix the place or places of payment of the bonds' principal, purchase price, redemption premium,
5041 if any, and interest, provided that such place may be the office of the State Treasurer or any bank or trust
5042 company in the United States.

5043 C. All bonds issued under the Act shall have, as between successive holders, all the qualities and
5044 incidents of negotiable instruments under the Commonwealth's negotiable instruments laws.

5045 D. Notwithstanding the maturity limitation prescribed in subdivision A 4, if the Board enters into
5046 an agreement with the authorization of the U.S. Department of Transportation pursuant to the provisions
5047 of subdivision 18 of § 33.2-1701 of the Code of Virginia, any loan, credit facility, or other borrowing that

occurs under such agreement, including any advancement under a line of credit or lending program with an individualized prepayment schedule, shall not exceed 39 years from the first scheduled payment of principal. The first scheduled payment of principal shall be not more than five years from the initial advancement of funds under such loan, credit facility, line of credit, or other borrowing.

E. The Board may sell bonds from time to time at public or private sale for such price or prices as it determines to be in the best interest of the Commonwealth. The Board may sell bonds by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies.

§ 7. A. Any bonds issued pursuant to this act shall (i) be signed on behalf of the Board by the chairman or vice-chairman of the Board or shall bear the facsimile signature of such officer and (ii) bear the official seal of the Board, which shall be attested to by the manual or facsimile signature of the secretary or assistant secretary of the Board. If a bond bears a facsimile signature pursuant to clause (i), the bonds shall be signed by a designee of the Board, who may be an administrative assistant, a registrar, or a paying agent. If an officer whose signature or facsimile signature ceases to be an officer before the delivery of a bond that he signed, his signature or facsimile signature shall be valid and sufficient for all purposes as if he had remained an officer until delivery of such bonds.

B. If a loan, line of credit, or other borrowing is not evidenced by a bond, any agreements and instruments as may be necessary to provide evidence of such loan, line of credit, or other borrowing shall be signed on behalf of the Board by the chairman or vice-chairman of the Board. Such agreements and instruments may bear the official seal of the Board. Such agreements and instruments shall be signed by the secretary or assistant secretary of the Board.

§ 8. All expenses incurred under this Act or in connection with any bond issuance shall be paid from the proceeds of such bonds or from any available funds in the Fund.

§ 9. A. The proceeds of the bonds and of any anticipation notes authorized pursuant to the Act shall be placed by the State Treasurer in a special fund in the State Treasury or placed with a trustee in accordance with the provisions of § 33.2-1716 of the Code of Virginia and any amendments thereto. Such proceeds shall be disbursed only for the purpose for which such bonds and anticipation notes were issued.

5074 Proceeds derived from the sale of bonds authorized by this Act shall first be used to pay anticipation notes,
5075 if any were issued in anticipation of the sale of such bonds and renewals of such bonds.

5076 B. Subsection A shall not apply to the proceeds of bonds when the issuance of such bonds has
5077 been anticipated by anticipation notes.

5078 C. In accordance with subsection C of § 33.2-3601 of the Code of Virginia, proceeds of bonds and
5079 the distribution and expenditure of such proceeds shall not reduce the share of federal, state, or local
5080 revenues otherwise available to jurisdictions along the Interstate 81 corridor. Such revenues shall not
5081 affect the calculation of a locality's ability to pay for public education for purposes of determining
5082 appropriations of state revenues to localities for public education.

5083 § 10. The Board may receive any other funds that may be made available to pay costs of projects
5084 related to the Plan and the Program and, subject to appropriation by the General Assembly, may make
5085 available such funds for the payment of the principal, purchase price, and redemption premium, if any,
5086 and interest on bonds authorized under this Act. The Board is authorized to enter into agreements with
5087 any department or agency of the Commonwealth or any other party to allow for such funds, and any other
5088 funds, to be paid into the state treasury, or to a trustee in accordance with the provisions of § 33.2-1716
5089 of the Code of Virginia and any amendments thereto, to pay a part of the costs of such projects, to pay any
5090 costs of issuance, to fund any part of any reserve fund, or to pay the principal or purchase price of, and
5091 redemption premium, if any, and interest on the bonds.

5092 § 11. In connection with the issuance or planned issuance of any bonds, the Board shall establish
5093 a fund either in the state treasury with the cooperation of the State Treasurer, or with a trustee in
5094 accordance with the provisions of § 33.2-1716 of the Code of Virginia and any amendments thereto. Such
5095 fund shall secure and be used for the payments of the bonds to the credit of which there shall be deposited
5096 such amounts, subject to appropriation by the General Assembly, necessary to pay principal, purchase
5097 price of, redemption premium if any, and interest on the bonds, as and when such costs become due and
5098 payable. Such costs shall be paid from the revenues deposited into the Interstate 81 Corridor Improvement
5099 Fund pursuant to § 58.1-2299.20 of the Code of Virginia derived from the receipt of regional fuels tax
5100 levied pursuant to § 58.1-2295.1 of the Code of Virginia.

5101 § 12. In connection with the issuance or planned issuance of any bonds, the Board may pay any
5102 necessary and appropriate support costs, including debt service or deposits to reserve funds, from revenues
5103 deposited to the Interstate 81 Corridor Improvement Fund pursuant to § 58.1-2299.20 of the Code of
5104 Virginia derived from the receipt of regional fuels tax levied pursuant to § 58.1-2295.1 of the Code of
5105 Virginia.

5106 § 13. The State Treasurer shall invest bond proceeds and moneys in any reserve funds and sinking
5107 funds related to bonds in accordance with the provisions of Chapter 18 (§ 2.2-1800 et seq.) of Title 2.2 of
5108 the Code of Virginia and any applicable law governing management of funds by a trustee pursuant to §
5109 33.2-1716 of the Code of Virginia, and any amendments thereto.

5110 § 14. No tax or fee shall be imposed by the Commonwealth, a locality, or any other entity of the
5111 Commonwealth on the interest income and profit made on the sale of obligations issued under the
5112 provisions of the Act.

§ 15. Any obligation issued under this Act shall be considered a security in which any person and
entity identified in § 33.2-1713 of the Code of Virginia may properly and legally invest funds.

5115 § 16. If any provision of this Act conflicts with a provision of the Bond Act, the provision of this
5116 Act shall control.

§ 17. This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be
liberally construed to effect the purpose of this Act.

§ 18. That should any portion of this Act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this Act shall remain in effect.

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